

Lottery.

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Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the twenty-eighth Day of *May*, 1755. And continued by sundry Prorogations and Adjournment to Wednesday the Fourteenth Day of *January* following, and then met.

C H A P. XIX.

An Act for raising a Sum of Money by a Lottery or Lotteries, for the Paving and Repairing the Neck leading out of the Town of *Boston*, called *Boston-Neck*.

WHEREAS the Neck leading out of the Town of *Boston*, called *Boston-Neck*, by Reason of the great Number of Waggon and other heavy Carriages passing over it, and the Sea sometimes overflowing it, is frequently out of Repair, notwithstanding the great Cost and Expence the Town of *Boston* has been yearly at for repairing the same: And whereas the Paving of said Neck is the most effectual Method of repairing and keeping the same in good Order and Condition, and will require a considerable Sum of Money to Effect it: For the raising whereof,

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That Messieurs Samuel Grant, Thomas Hill, Joshua Henshaw, Thomas Hill, Joseph Jackson, Thomas Cushing, Samuel Hewes, and John Scollay, of *Boston* aforesaid, or any three of them, be and hereby are allowed and impowered to set up and carry on one or more Lottery or Lotteries, amounting in the whole to such a Sum as by drawing or deducting ten per Cent. out of the same, or out of each Prize or Benefit Ticket, may raise Three Thousand Pounds, and no more; and that the said Sum of Three Thousand Pounds, raised by the Deduction aforesaid, be by the Persons abovenamed paid to the Town Treasurer of *Boston* aforesaid, within ten Days after the Sale of the Tickets of said Lottery shall be completed; or if the Persons aforesaid shall think fit to raise said Sum of Three Thousand Pounds by more Lotteries than one,

Preamble.

Samuel Grant,
Thomas Hill,
Joshua Henshaw,
Thomas Hill,
Joseph Jackson,
Thomas Cushing,
Samuel Hewes,
& John Scollay, Select-
Men of Boston,
allowed & im-
powred to set
up and carry
on one or
more Lotteries

[E e e]

then

Lottery.

How the
the Money
raised thereby
shall be dis-
posed of.

then the Money raised by each Lottery by the Deduction aforesaid, shall within ten Days after the Tickets of each Lottery respectively are sold, be paid by them to the Treasurer aforesaid; which Sum of *Three Thousand Pounds* or whatever Part thereof shall be so raised, shall be applied towards the Paving and Repairing the Neck aforesaid, (saving so much of said Sum as shall be sufficient to defray the necessary Charges of the Lottery or Lotteries aforesaid) and to no other Use whatsoever, except in Case of a Surplusage as in this Act hereafter mentioned.

Any three of
them may be
Managers or
Directors.

And be it further enacted, That the Persons aforesaid, or any three of them, be and they are hereby declared to be the Managers or Directors of each and every of the said Lottery or Lotteries, and are hereby empowered to make all necessary Rules, and use all necessary Methods to manage and direct the same, till the whole shall be fully compleated and finished.

Said Managers
to dispose of
the Tickets,
make Prepa-
ration for the
Drawing, and
to give pub-
lick Notice of
the same.

And be it further enacted, That the said Managers or Directors with all convenient Speed after the Sale of the Tickets of said Lottery or of each Lottery respectively, shall make Preparation for the drawing the same, and shall give Notice in the public Prints of the Time and Place of Drawing at least ten Days before the said drawing begins, that any of the Adventurers (if they think fit) may be present at the drawing; and after the said drawing commences, they the said Managers may adjourn from Day to Day, till the whole Number of Tickets of each Lottery respectively shall be drawn: Provided the drawing of any one of said Lotteries continue not longer than fifteen Days, exclusive of Lord's-Days; and the said Managers or Directors shall make or cause to be made a fair Entry in a Book provided for that Purpose of all the Tickets so drawn, and of the Blanks and Prizes drawn answering to said Tickets, and within ten Days after the drawing of each Lottery respectively shall be finished, they shall cause a List of the Benefit Tickets expressing the Number and the Amount of each of them, to be Printed in the public News-Papers; at the same Time in the said News-Papers, notifying the Owners of such Benefit Tickets of the Time and Place when and where they may apply for the Payment of such Tickets; and if any Contention or Dispute shall arise in adjusting the Property of any of the said Benefit Tickets, the major Part of the Managers shall determine to whom it doth or ought to belong.

Managers di-
rected in their
Proceedings.

Benefit Ticket
to be paid off
by the Mana-
gers within
twenty Days
after draw-
ing.

And be it further enacted, That the said Benefit Tickets shall be paid off by the Managers aforesaid, within twenty Days after the drawing of each Lottery respectively is finished, upon Application of the Owner or Owners of such Tickets, and delivering them up to be cancelled; and to secure the Payment of such Benefit Tickets to the Owner or Owners of them, the said Managers or Directors and their Estates are hereby held and subjected to satisfy and make good the same in like Manner as they and their Estates are subjected by Law to satisfy and make good their own proper Debts; provided that if the Money in said Managers Hands shall be lost by Fire, or any other extraordinary or unavoidable Accident, the said Managers and their Estates shall not be so held and subjected.

Owners of Be-
nefit Tickets
not applying
for their
Money in one
Year, in Case,
shall not be in-
titled to the
same.

And be it further enacted, That if the Owner or Owners of any Benefit Ticket or Tickets, shall for the Space of one Year after the drawing aforesaid, neglect to apply for the Prayment of such Ticket or Tickets (unless he she or they shall have been at Sea and out of the Province for that Term of Time, and to such Person eighteen Months shall be allowed to produce their Tickets) he she or they shall not be entitled to receive the same; but such Ticket and Tickets are hereby declared to be cancelled and of no Value, and the Money in the Hands of said Directors, which was to have been applied to the Payment of such Tickets, shall after the Expiration of the Term

Lottery.

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Term aforeſaid, be immediately paid to the Town Treafurer of ſaid *Boston*, for repairing and keeping in Repair the Neck aforeſaid.

And be it further enacted, That each Manager or Director aforeſaid, before his acting in the Capacity of Manager or Director as aforeſaid, ſhall take the following Oath, viz.

I A. B. do Swear, that I will faithfully execute the Truſt reſoſed in me, and that I will not uſe any indireſt Act or Means to obtain a Prize or Benefit Lot for my Self or any other Perſon whomſoever, and that I will do the utmoſt of my Endeavour to prevent any undue or ſiniſter Practice, to be done by any Perſon whomſoever ; and that I will to the beſt of my Judgment, declare to whom any Prize, Lot or Ticket, does of Right belong, according to the true Intent and Meaning of the Act of this Province, made in the twenty-ninth Year of his Ma- jeſty's Reign, Intituled An Act for the raiſing a Sum of Money by a Lottery or Lotteries, for the Paving and Repairing the Neck leading out of the Town of *Boston*, called *Boston-Neck*. So help me GOD.

Managers or
Directors
Oath.

Which Oath ſhall be adminiſtered by any Juſtice of the Peace in the County of *Suffolk* ; and every Perſon employed about the Lottery or Lotteries aforeſaid, by the Directors aforeſaid, ſhall take an Oath for the faithful Per- formance of his Truſt ; to be adminiſtered by any one or more of the Di- rectors aforeſaid, who are hereby impowered to adminiſter the ſame.

Perſons em-
ployed about
the Lottery or
Lotteries to
be on Oath.

And be it further enacted, That if the whole Number of Tickets of each Lottery reſpectively ſhall not be ſold and diſpoſed of by the ſaid Directors, within fix Months after the Publication of the Scheme of each Lottery re- ſpectively, it ſhall and may be lawful for the Town of *Boston* (if they think fit) to take the Remainder of ſaid Tickets undiſpoſed of as aforeſaid, to their own Account ; provided that within one Month after the public Meeting of ſaid Town (to be called for that Purpoſe) a Sum of Money be raiſed and paid to the Directors aforeſaid ſufficient to purchaſe the Remainder of ſaid Tickets, which ſhall in that Caſe be delivered to ſuch Perſon or Perſons as the ſaid Town ſhall appoint to receive the ſame ; but if the whole of ſaid Tickets cannot be ſold within the Term of fix Months aforeſaid, and the Town aforeſaid reſuſe to take the Tickets remaining unfold as aforeſaid, then the Money received by the ſaid Directors for the Tickets ſold, ſhall be by them returned to the Owners of ſaid Tickets upon their delivering up their Tickets to the ſaid Directors, and the Charges ariſen ſhall be defreyed by the ſaid Town of *Boston* : Provided nevertheless, That the ſaid Managers ſhall not hereby be prohibited from carrying on ſaid Lottery or Lotteries at any other Time which they may judge ſuitable and convenient for the ſame.

In Caſe the
whole Num-
ber of Tickets
in each Lot-
tery ſhall not
be ſold in fix
Months after
Publication of
the Scheme,
the Town of
Boston may
take the Re-
mainder to
their own Ac-
count, pro-
vided.

And be it further enacted, That if the Sum raiſed by Means of this Act, ſhall be more than ſufficient to Pave and Repair the Neck aforeſaid, and de- frey the Charges of the Lottery or Lotteries aforeſaid, and pay the Managers aforeſaid for their Services, as herein after expreſſed ; the Surpluſage ſhall be applied towards the Paving of ſuch Street or Streets in the Town of *Boston*, as the ſaid Town ſhall direct

In Caſe of a
Surpluſage,
how the ſame
ſhall be diſ-
poſed of.

And be it further enacted, That if any Perſon ſhall forge or counterfeit any Ticket or Tickets, to be made in Conſequence of this Act, or alter any of the Numbers thereof, or utter, vend, barter or diſpoſe of any falſe, altered, forged or counterfeit Ticket or Tickets, or bring ſuch Ticket or Tickets (knowing the ſame to be ſuch) to the ſaid Directors or any of them, or to any other Perſon with a fraudulent Intent, every ſuch Perſon or Perſons (being thereof convicted in due Form of Law) ſhall ſuffer ſuch Pains and Penalties as are by Law provided in Caſes of Forgery.

Penalty for
Perſons who
forge or coun-
terfeit Tickets
&c.

And the ſaid Managers or Directors, or any two of them, are hereby authorized, required and impowered, to cauſe any Perſon or Perſons, bring-

The Managers
to commit
ing ſuch to Priſon,

ing or uttering such false, altered, forged or counterfeit Ticket or Tickets as aforesaid, to be apprehended and committed to close Goal, to be proceeded against according to Law.

Managers to keep Account of the Time of their Attendance, and exhibit the same to the Town.

Proviso-

Managers to receive Accounts of Charge, and order Payment.

Select-Men of Boston for the Time being, to contract & agree for the paving said Neck, & for Materials &c. and order Pay therefor.

And be it further enacted, That the Directors or Managers aforesaid, shall keep a particular Account of the Days of their Attendance upon the Service aforesaid, and for each Day's Attendance shall be allowed the Sum of *Six Shillings*, the same not to be paid out of the Monies raised by Virtue of this Act, unless there be a Sufficiency for the Purposes aforesaid and for the Payment of such their Allowances, and in Case of a Sufficiency, they shall exhibit an Account of their Attendance aforesaid before a publick Meeting of the Town aforesaid; which Account being examined and found just, shall be paid by the Town Treasurer aforesaid, upon the Order of the said Town; but in Case there shall not be a Sufficiency, the Town aforesaid shall make Provision for the Payment of such Managers Allowance aforesaid, provided that no more than three of the Managers aforesaid, shall be entitled to such Allowance for one and the same Day.

And be it further enacted, That the Managers or Directors aforesaid, after the said Lottery or each of the said Lotteries respectively is finished, shall receive the Accounts of all Charges arisen thereon, and having found them just, shall certify the same upon said Accounts, and direct the Town Treasurer aforesaid to pay them off, and discharge them.

And be it further enacted, That the Select-Men of the Town of *Boston* aforesaid for the Time being, shall contract and agree for the Paving and Repairing the Neck aforesaid, and for the Materials and Labour necessary to do the same at Money Price, and shall draw on the Town Treasurer aforesaid, for the Payment thereof; and when the said Paving and Repairs are finished, they shall exhibit a particular Account of the Cost of the same, and lay it before the Town aforesaid at one of their publick Meetings, in order to be put on File with their other Papers.

[The foregoing Act was Published January 24. 1756.]

C H A P. XX.

An Act for continuing an Act made and passed in the twenty-eighth Year of his Majesty's Reign, Intituled *An Act for granting unto his Majesty several Rates and Duties of Impost and Tonnage of Shipping.*

Preamble.

WHEREAS by an Act of this Province made in the twenty-eighth Year of his Majesty's Reign, Intituled An Act for granting unto his Majesty several Rates and Duties of Impost and Tunnage of Shipping, will expire the twenty-sixth Day of February One Thousand seven Hundred and fifty-six; and it being convenient that said Act should be in Force for some Time longer:

Said Act continued.

Be it therefore enacted by the Governour, Council and House of Representatives, That the Act aforesaid and every Matter and Thing therein contained, be and hereby is continued and shall be in Force from the said twenty-sixth of February One Thousand seven Hundred and fifty-six, to the twenty-sixth Day of March next following.

Ipswich School.

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C H A P. XXI.

An Act for regulating the Grammar School in *Ipswich*, and for incorporating certain Persons to manage and direct the same.

WHEREAS divers piously disposed Persons in the first Settlement of the Town of *Ipswich*, within the County of *Essex*, granted and conveyed to Feoffees in Trust, and to such their Successors in the same Trust, as those Feoffees should appoint, to hold perpetual Succession certain Lands, Tenements and Annuities by them mentioned for the Use of School Learning in said Town forever; of which Feoffees the honourable Thomas Berry, Esq; Daniel Appleton, and Samuel Rogers, Esqrs; with Mr. Benjamin Crocker, are the only Survivors: And whereas the Town of *Ipswich*, did also in their laudable Concern for promoting Learning, about the same Time, and for the same Use, give and grant to certain Persons in said Grant mentioned, and to such others as the said Town should appoint; a large Farm then called a Neck of Land, situate in *Chebacco* in the same Town, with some other Lands adjoining; all which Farm and Lands were soon after leased out for the Space of one Thousand Years, the Rents to be applied to the uses of Learning in said Town as aforesaid: But as is apprehended by some, no Power was given by the said Town to their Trustees to appoint Successors in that Trust for receiving and applying the Rents, or of ordering and directing the Affairs of the School in said Town, as in the first mentioned Case is provided; from which Difference in the Original Constitution of those Grants, which were all designed for one and the same Use, considerable Disputes have already arisen between the said Town and the Feoffees; and not only so, but some Doubts are started whether it is in the Power of said Town or Feoffees to compel the Payment of the Rents of the Farm and adjoining Land beforementioned:

Preamble.

And inasmuch as the said Town of *Ipswich*, by their Vote of the twenty second Day of January One Thousand seven Hundred and fifty six, by and with the Consent of the aforementioned Feoffees have agreed to apply to this Court for Aid in the Manner in said Vote mentioned:

Wherefore,

Be it enacted by the Governour, Council and House of Representatives, That from and after the first Day of March next, for and during the Space of ten Years, the afore-named Thomas Berry, Daniel Appleton, and Samuel Rogers, Esqrs; with Mr. Benjamin Crocker, the present surviving Feoffees on the Part of the private Persons granting Lands as aforesaid, together with Francis Choate, Esq; Capt. Nathanael Tredwell, and Mr. John Patch, Junr. three of the present Select Men of said Town, shall be and they are hereby incorporated a joint Committee or Feoffees in Trust, with full Power and Authority by a Majority of them to grant necessary Leases of any of said Land not prejudicial to any Lease already made, and not exceeding the Term of ten Years, to demand and receive the said Rents and Annuities, and if Need be, to sue for and recover the same; to appoint Grammar School-Masters from Year to Year and Time to Time, and agree for his Salary; to apply the Rents and Annuities for the Payment of his Salary, and other necessary Charges arising by said School; to appoint a Clerk and Treasurer, and if found necessary to impose some moderate Sum and Sums of Money to be paid by such Scholars as may attend said School, for making up and supplying any Deficiency that may happen in the yearly Income and Annuities of said Lands; for defraying the necessary Charges that may arise by said School, and enforce the Payment; to inspect said School and School-Master, and in general to transact and order all Matters and Things relative to such School, so as may best answer the original Intent and Design thereof.

Feoffees of
Ipswich
School appointed.

Their Power.

[F f f]

And

Supply of the Treasury.

Account of
Feoffees Pro-
ceedings to
be laid before
the Town
annually.

And the ſaid Committee or Feoffees and their Succeſſors, ſhall at the Anniversary Meeting of ſaid Town in *March* yearly during the Continuance of this Act, lay before ſaid Town a fair Account of their Proceedings relating to ſaid School for the Year then laſt paſt.

And for the Continuance of the Succeſſion of the beforenamed Committee or Feoffees :

Proviſion for
the Succeſſion
of ſaid Feof-
fees, &c.

Be it enacted, That if either the ſaid *Thomas Berry, Daniel Appleton, Samuel Rogers, or Benjamin Crocker*, ſhall deceaſe or remove out of ſaid Town of *Ipswich*, or otherwiſe become incapable or unfit to diſcharge ſaid Truſt, it ſhall and may be lawful for the ſurviving and qualified Remainder of thoſe four Gentlemen, to appoint ſome other ſuitable Perſon or Perſons in his or their Room ſo deceaſing, removing or otherwiſe unqualified according to the original Intention of their firſt Appointment, ſo as to keep up the ſame Number of four Feoffees thus conſtituted, and no more ; and no Perſon to be appointed a Feoffee, but an Inhabitant of the Town of *Ipswich* : And the aforementioned Select-Men, ſhall from Year to Year be ſucceeded by the three oldeſt in that Office of the Select-Men of ſaid Town for the Time being, other than ſuch of them as may be alſo one of the aforeſaid four Feoffees ; and in Caſe it ſhould at any Time happen that there is not three Select-Men choſen by ſaid Town that may have ſerved the Town before in that Office, the Deficiency ſhall be ſupplied by thoſe firſt named in the Choice of the Town.

And for rendering the whole more Effeſtual :

Feoffees or
Committee to
ſue & be ſued.

Be it further enacted, That the aforeſaid Committee or Feoffees in Truſt, may in all Matters relative to ſaid Grammar-School in which they may by Force of this Act be concerned, ſue or be ſued by the Name or Character of the Feoffees of the Grammar-School of the Town of *Ipswich* in the County of *Effex* : And in this Power their Succeſſors ſhall be included with reſpect to the Tranſactions of thoſe that may have preceeded them in ſaid Office.

Limitation.

This Act to continue and be in Force for the Space of ten Years, and no longer.

[*The two foregoing Acts were Published March 1ſt. 1756.]*

C H A P. XXII.

An Act for ſupplying the Treasury with the Sum of Sixty
Thouſand Pounds.

Preamble.

WHEREAS the great Sums with which the Treasury has been ſupplied, for defreying the Charges of the late Expedition againſt Crown-Point, and other Charges of the Government, have proved inſufficient, and the Wages of the Forces employed in that Service ſtill remain unpaid : And whereas the General Court have determined upon further proſecuting an Expedition this preſent Year, for removing the Encroachments made and making by the French on his Maſteſty's Territories at and near the ſaid Crown-Point, and a further Sum of Money will be neceſſary to encourage the Enliſtment of the Forces, and to make neceſſary Proviſion for ſaid Expedition, and all other Attempts for obtaining a Sufficiency of Money having proved ineffeſtual, His Excellency the Governour has conſented to advance a Sum not exceeding Forty Thouſand Pounds Lawful Money for the Purpoſes aforeſaid : And a further Sum being neceſſary to be immediately raiſed towards defreying the Charges of the ſaid Expedition :

Treasurer im-
powered to
borrow £ 40,
000 from his
Excellency
the Governour.

Be it therefore enacted by the Governour, Council and Houſe of Re- preſentatives, That the Treasurer of this Province be and he hereby is im- powered and directed to borrow and receive from His Excellency *WILLIAM SHIRLEY*, Eſq; the Sum of Forty Thouſand Pounds Lawful Money in mill'd Dollars

Supply of the Treafury.

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Dollars at *ſix Shillings* each, or in coined Silver at *ſix Shillings and eight Pence* per Ounce, or in coined Gold at the Rate at which ſuch Gold is ſet or reſtrained from exceeding, by an Act of this Province made and paſſed in the twenty-third Year of his preſent Maſteſty's Reign, Intituled *An Act for aſcertaining the Rates at which coined Silver and Gold, and Engliſh half Pence and Farthings may paſs within the Government* : And for the Sum ſo borrowed the ſaid Treafurer ſhall give his Receipt for the Value of *Twenty Thouſand Pounds* in the Form following :

Province of the *Maſſachuſetts-Bay*, Day of 1756. Form of Treas-
Received from His Excellency *WILLIAM SHIRLEY*, Eſq; the ſurer's Receipt
Sum of Lawful Money of ſaid Province, and I
do hereby promiſe the ſaid *William Shirley*, and oblige my Self and
Successors in the Office of Treafurer, to Re-pay the ſaid Sum of
to the ſaid *William Shirley*, or his Order, by the firſt Day of
June 1758. Witneſs my Hand,
H. G. Treafurer.

And for the remaining Sum of *Twenty Thouſand Pounds* borrowed of His Excellency, the Treafurer ſhall give his Receipt in the Form following :

Province of the *Maſſachuſetts-Bay*, Day of 1756. Form of
Received from His Excellency *WILLIAM SHIRLEY*, Eſq; Treafurer's
the Sum of Lawful Money of ſaid Province, Receipt.
and I do hereby promiſe the ſaid *William Shirley*, and oblige my Self
and Successors in the Office of Treafurer, to Re-pay the ſaid Sum of
to the ſaid *William Shirley*, or his Order, by the firſt Day
of June 1759.

And be it further enacted, That the Sum ſo borrowed as aforeſaid, ſhall be a Stock in the Treafury and ſhall be iſſued by Warrant from the Governour or Commander in Chief with Advice and Conſent of the Council, for the Payment of the Wages that are now due to the Officers and Soldiers who ſerved in the late Expedition againſt *Crown-Point*, and for the Payment of the neceſſary Charges that may attend the enliſting ſuch Forces as may be raiſed for the Expedition this preſent Year, for removing the Encroachments made on his Maſteſty's Territories by the French at and near the ſaid *Crown-Point*, and for preparing and enabling ſuch Forces to proceed on ſaid Expedition, and for no other Purpoſe whatſoever.

And as a Fund and Security for drawing ſaid Sum of *Forty Thouſand Pounds* into the Treafury again, ſo as to enable the Treafurer to Re-pay the Money borrowed : Fund.

Be it further enacted, That there be and hereby is granted unto his moſt excellent Maſteſty for the Ends and Uſes aforeſaid, a Tax of *Forty Thouſand Pounds* to be levied on Polls and Eſtates both Real and Perſonal within this Province in Manner following, that is to ſay ; *Twenty Thouſand Pounds* Part thereof, according to ſuch Rules and in ſuch Proportion on the ſeveral Towns and Diſtricts within this Province, as ſhall be agreed on and ordered by the General Court or Aſſembly at their Seſſion in *May* One Thouſand ſeven Hundred and fifty-ſeven, and to be paid into the publick Treafury on or before the thirty-fiſt of *March* then next after : And *Twenty Thouſand Pounds* the other Part of ſaid Sum, according to ſuch Rules and in ſuch Proportions on the ſeveral Towns and Diſtricts aforeſaid, as ſhall be agreed on and ordered by the General Court at their Seſſion in *May* One Thouſand ſeven Hundred and fifty-eight, and to be paid into the publick Treafury on or before the thirty-fiſt of *March* then next after.

Tax of £. 20,000 in 1757.

£. 20,000 in 1758.

And

Supply of the Treasury.

Rule for Apportioning the Tax in Case no Tax-Act shall be agreed on.

And be it further enacted, That if the General Court at their Sessions in *May* One Thousand seven Hundred and fifty-seven, and in *May* One Thousand seven Hundred and fifty-eight some Time before the twentieth Day of *June* in each Year, shall not agree and conclude upon an Act apportioning the Sums which by this Act are engaged to be in each of said Years apportioned, assessed and levied; that then and in such Case each Town and District within this Province, shall pay by a Tax to be levied on the Polls and Estates both Real and Personal within their Limits, the same Proportion of the said Sums as the said Towns and Districts were taxed by the General Court in the Tax-Act then last preceeding: And the Province Treasurer is hereby fully empowered and directed some Time in the Month of *June* in each of the Years aforesaid, to issue and send forth his Warrants directed to the Select-Men or Assessors of each Town and District within this Province, requiring them to assess the Polls and Estates both Real and Personal within their several Towns and Districts, and for their respective Parts and Proportion of the Sums before directed and engaged to be assessed, to be paid into the publick Treasury at the aforementioned Times; and the Assessors as also Persons assessed, shall observe, be governed by and subject to all such Rules and Directions as have been given in the last preceeding Tax-Act.

Treasurer to apply the Money that may be granted in *Great-Britain*, for Discharge of the Money borrowed.

And be it further enacted, That the said Sum of *Forty Thousand Pounds* thus levied and assessed, shall be applied by the Province Treasurer to the Payment of the full Sum so borrowed of his Excellency the Governour by Virtue of this Act, and to no other Purpose whatsoever. *Provided always*, (any Thing in this Act to the contrary notwithstanding), That whereas humble Trust and Dependance is had by the General Assembly on a Reimbursement of the Charges arising from the Expeditions against *Crown-Point*, and Monies for that Purpose are expected from *Great-Britain*: And it has been agreed and engaged by a Vote of the Council and House of Representatives, that the Monies which shall first arrive or so much as shall be necessary, shall be applied to the Payment of the Sum advanced by his Excellency the Governour, for the Purposes beforementioned in this Act; that the Treasurer be and hereby is directed and required to apply such Monies or so much thereof as shall be necessary, as he shall first from Time to Time receive into the Treasury for and on Account of the Reimbursement aforesaid, to the Payment of the Sums advanced by his Excellency the Governour for the Purposes mentioned in this Act, until the whole Sum advanced shall be Re-paid: And in Case *Twenty Thousand Pounds* of the Monies shall arrive from *Great-Britain*, and be lodged in the Treasury before the twentieth Day of *June* One Thousand seven Hundred and fifty-seven, the Tax which otherwise by this Act is ordered to go forth is hereby made null and void.

Taxes not to be made in Case the Money be sent from *Great Britain*.

And be it further enacted, That if the further Sum of *Twenty Thousand Pounds* shall arrive from *Great-Britain*, and be lodged in the Treasury before the twentieth Day of *June* One Thousand seven Hundred and fifty-eight, the Tax which otherwise by this Act is ordered to go forth is hereby made null and void.

Treasurer to demand & receive Monies from *Great-Britain*.

And be it further enacted, That the Treasurer of the Province for the Time being, be and he hereby is fully authorized and empowered to demand and receive the whole and every Part of the Money aforesaid, from the Commander of any Vessel or Vessels on board of which the same shall be shipped, upon the Arrival thereof within this Government or from any other Trustee of it.

Treasurer to borrow £. 20,000.

And be it further enacted, That the Treasurer of the Province be and hereby is empowered and directed to borrow from such Person or Persons as shall be willing to lend the same, a Sum not exceeding *Twenty Thousand Pounds* in mill'd Dollars at *Six Shillings* each, or in other Silver at *Six Shillings* and

Supply of the Treasury.

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and eight Pence per Ounce; and the Sum so borrowed shall be applied in Manner as is in this Act hereafter directed: And for every Sum so borrowed, the Treasurer shall give a Receipt and Obligation in Form following:

Province of the *Massachusetts-Bay*,
 The _____ Day of _____ 1756, Form of
 Received of _____ the Sum of _____ for the Use and Service Treasurer's
 of the Province of the *Massachusetts-Bay*; and in Behalf of said Province, I
 do hereby promise and oblige my Self and Successors in the Office of Trea-
 surer, to Re-pay the said _____ or Order, the second Day of June
 1757, the aforesaid Sum of _____ in Coined Silver at Six Skillings and
 eight Pence per Ounce, or Spanish mill'd Dollars at Six Skillings each, with
 Interest annually at the Rate of Six per Cent. per Annum.
 Witnefs my Hand, _____ H. G. Treasurer.

And be it further enacted, That the aforesaid Sum of *Twenty Thousand Pounds* when received into the Treasury, shall be applied for the Service of the Expedition against *Crown-Point*.

And in order to draw the same Money into the Treasury, so as to enable the Treasurer effectually to discharge the Receipts and Obligations (with the Interest that may be due thereon) by him given in Pursuance of this Act:

Be it enacted, That there be and hereby is granted to his most excellent Majesty, a Tax of *Twenty two Thousand Pounds*, to be levied on Polls and Estates both Real and Personal within this Province in Manner following, that is to say; *Eleven Thousand Pounds* Part thereof, according to such Rules and in such Proportions on the several Towns and Districts within the Province, as shall be agreed on and ordered by the General Court or Assembly at their Session in *May* One Thousand seven Hundred and fifty-six, and to be paid into the publick Treasury on or before the 31st of *March* next after: And the further Sum of *Eleven Thousand Pounds*, according to such Rules and in such Proportions on the several Towns and Districts aforesaid, as shall be agreed on and ordered by the General Court at their Session in *May* One Thousand seven Hundred and fifty-seven, and to be paid into the publick Treasury on or before the 31st of *March* then next after.

Tax of £. 11,
000 in 1756.

Tax of £. 11,
000 in 1757.

And be it further enacted, That if the General Court at their Session in *May* One Thousand seven Hundred and fifty-six, and in *May* One Thousand seven Hundred and fifty-seven, sometime before the twentieth Day of *June* in each Year, shall not agree and conclude upon an Act apportioning the Sums which by this Act are engaged to be in each of said Years apportioned, assessed and levied, that then and in such Case each Town and District within this Province, shall pay by a Tax to be levied on the Polls and Estates both Real and Personal within their Limits, the same Proportion of the said Sums as the said Towns and Districts were taxed by the General Court in the Tax-Act then last preceeding: And the Province Treasurer is hereby fully impowered and directed sometime in the Month of *June* in each of the Years aforesaid, to issue and send forth his Warrants directed to the Select Men or Assessors of each Town and District within this Province, requiring them to assess the Polls and Estates both Real and Personal within their several Towns and Districts, for their respective Parts and Proportions of the Sums before directed and engaged to be assessed, to be paid into the Treasury at the beforementioned Times; and the Assessors as also Persons assessed, shall observe, be governed by and subject to all such Rules and Directions as shall have been given in the last preceeding Tax-Act.

Rule for Ap-
portioning the
Tax in Case
no Tax-Act
shall be a-
greed on.

And as a further Fund to enable the Treasurer to discharge said Receipts and Obligations by him given in Pursuance of this Act:

[G g g]

13e

Contagion by Dogs.

Money that
may come
from *Great-
Britain* above
that borrowed
of the Gov. to
be a Fund.

Treasurer to
issue the ſaid
£. 20,000.

Treasurer's
Warrants for
levying the
Tax not to
iſſue in Caſe.

Proviſo.

Be it further enacted, That the Monies that ſhall be received from *Great-Britain*, over and above *Forty Thouſand Pounds* Lawful Money, which by this Act is appropriated for the Re-payment of that Sum borrowed of his Excellency *WILLIAM SHIRLEY*, Eſq; ſhall be applied by the Treſurer, or ſo much thereof as ſhall be needful for the diſcharging the ſaid Notes by him given (with the Intereſt that may be due thereon) in Purſuance of this Act.

And be it further enacted, That the Treſurer is hereby directed and ordered to pay the Sum of *Twenty Thouſand Pounds*, as ſhall be directed by Warrant from the Governour with the Advice of the Council, and the Secretary to whom it belongs to keep the Muſter-Rolls and Accounts of Charge, ſhall lay before the Houſe of Representatives when they direct ſuch Muſter-Rolls and Accounts after Payment thereof. *Provided always,* (any Thing in this Act to the contrary notwithstanding), That in Caſe *Ten Thouſand Pounds* of the Monies arrive from *Great-Britain*, and be received into the publick Treſury over and above the *Forty Thouſand Pounds* appropriated for Re-payment of the Money borrowed of his Excellency *WILLIAM SHIRLEY*, Eſq; on or before the twentieth Day of *June* next, then and in ſuch Caſe the Tax which otherwiſe by this Act was to go forth in *May* One Thouſand ſeven Hundred fifty-fix, is hereby declared to be null and void : And in Caſe *Ten Thouſand Pounds* more ſhall arrive from *Great-Britain*, and be received into the publick Treſury before the twentieth of *June* One Thouſand ſeven Hundred and fifty ſeven, then and in ſuch Caſe the Tax of *Eleven Thouſand Pounds* which otherwiſe by this Act was to go forth, is hereby declared to be null and void. *Provided always,* That the Remainder of the Sum that ſhall be brought in by Taxes, ordered by this Act to be aſſeſſed and levied over and above what ſhall be ſufficient to diſcharge the Notes and Obligations aforeſaid, (with the Intereſt that may be due thereon) ſhall be and remain as a Stock in the Treſury, and to be applied as the General Court of this Province ſhall hereafter order, and to no other Purpoſe whatſoever.

C H A P. XXIII.

An Act for preventing any dangerous Contagion that may be occaſioned by Dogs and other Brute Creatures (dying of the Diſtemper prevalent among them) lying unburied.

Preamble.

WHEREAS this Government have been informed that a Diſtemper prevails among Dogs, Cats and other Brute Animals, by which great Numbers of them have dyed in the Town of *Boston*, and elſewhere in the Province within a few Days ; and as there is Danger, if effectual Care be not taken that they be buried ſeaſonably, that ſome Contagion may thence ariſe which may prove prejudicial to the Inhabitants :

Carcasses of
dead Dogs to
be buried.

Be it therefore enacted by the Governour, Council and Houſe of Representatives, That every Owner of any Dog, Catt or other Creature of the Brute Kind, which ſhall dye of any Diſtemper between the fifth Day of *March* Inſtant, and the laſt Day of *October* in the preſent and next enſuing Year, ſhall within three Hours next after the Death of ſuch Brute, cauſe the ſame to be buried under Ground at the Depth of two Feet at the leaſt, upon pain of forfeiting *forty Shillings* for every wilful Neglect herein, to be recovered before any Juſtice of the Peace of the ſame County, upon Information or Complaint ; one Moiety thereof to be to the Informer or Complainant, and the other Moiety to the Uſe of the Poor of the Town wherein ſuch Owner dwells.

And

Supply of the Treafury.

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And be it further enacted, That the Select-Men of the ſeveral Towns within this Province, ſhall appoint one or more ſuitable Perſons in their reſpective Towns, to bury or cauſe to be buried (in Manner as aforeſaid) the Carcaſe of any Dog, or other Brute which they may find unburied within the Term aforeſaid, and ſhall order a meet Recompence to be made to ſuch Perſon or Perſons for their Trouble, at the Charge of the Owner of ſuch Dogs or other Brute, if the Owner be known, or otherwiſe at the Charge of the Town where ſuch Carcaſe ſhall be found.

Select Men
to appoint
Perſons to
take Care of
the Execution
of this Law.

And be it further enacted, That every Perſon ſo to be appointed by the Select-Men in any Town, ſhall be and is hereby impowered by due Courſe of Law, to recover of the delinquent Owner of any Dog, Catt or other Brute that ſhall dye and be left unburied contrary to this Act, a reaſonable Recompence for his Trouble in burying them, together with Coſts of Proſecution.

Their Power.

This Act to be in Force from and after the fifth Day of March Inſtant, and to continue till the firſt Day of October, Anno Domini One Thouſand ſeven Hundred and fifty ſeven.

Limitation.

[The two foregoing Acts were Publiſhed March 4th 1756.]

C H A P. XXIV.

An Act for the Supply of the Treafury with *Eleven Thouſand Pounds.*

WHEREAS the Proviſion already made by this Court, is inſufficient to Diſ-charge the publick Debts: Preamble.

Be it enacted by the Governour, Council and Houſe of Representatives, That the Treafurer of the Province, be and he is hereby impowered and directed to borrow of ſuch Perſon or Perſons as ſhall be willing to lend the ſame, a Sum not exceeding *Eleven Thouſand Pounds* in mill'd Dollars at *Six Shillings* each, or in other Silver at *Six Shillings and eight Pence* per Ounce; one half of ſaid Sum to be repaid by the thirtieth Day of *June* One Thouſand ſeven Hundred and fifty-ſeven, and the other half by the thirtieth Day of *June* One Thouſand ſeven Hundred and fifty-eight; and the Sum ſo borrowed ſhall be applied by the Treafurer for the Payment of all ſuch Draughts as ſhall be drawn on him by the Governour or Commander in Chief for the Time being, with the Advice of the Council, out of the reſpective Appropriations hereafter mentioned in this Act: And for every Sum ſo borrowed, which ſhall be agreed to be repaid by the thirtieth Day of *June* One Thouſand ſeven Hundred and fifty-ſeven, the Treafurer ſhall give a Receipt and Obligation in Form following:

Province of the *Maſſachuſetts-Bay*,
The Day of
Received of the Sum of for the Uſe and Service
of the Province of the *Maſſachuſetts-Bay*; and in Behalf of ſaid Province, I
do hereby promiſe and oblige my Self and Succeſſors in the Office of Treafurer, to Re-pay the ſaid or Order, the thirtieth Day of *June* 1757,
the aforeſaid Sum of in Coined Silver of Sterling Alloy, at *ſix Shillings and eight Pence* per Ounce, or in mill'd Dollars at *Six Shillings* each,
with Intereſt annually at the Rate of Six per Cent. per Annum.

1756. Form of Treafurer's Receipt.

Witneſs my Hand,

A. B. Treafurer.

And for every Sum borrowed as aforeſaid, and which ſhall be agreed to be repaid by the thirtieth Day of *June* One Thouſand ſeven Hundred and fifty-eight, the Receipt or Obligation aforeſaid ſhall be ſo varied, as that the Time of Payment expreſſed therein ſhall be the thirtieth Day of *June* One Thouſand ſeven Hundred and fifty-eight, and no Receipt ſhall be given for

Supply of the Treafury.

a Sum leſs than *Six Pounds* ; and the Treafurer is hereby directed to uſe his Diſcretion in borrowing ſaid Sum at ſuch Times as that he may be enabled to comply with the Draughts that ſhall be made on the Treafury in Purſuance of this Act.

£. 5600 for
Fire-Arms &
Ammunition.

And be it further enacted, That the aforeſaid Sum of *Eleven Thouſand Pounds* when received into the Treafury, ſhall be iſſued out in Manner and for the Purpoſes following, that is to ſay ; a Sum not exceeding *Five Thouſand ſix Hundred Pounds*, Part of the aforeſaid Sum of *Eleven Thouſand Pounds*, ſhall be applied for the diſcharging of Debts contracted for Fire-Arms, and Ammunition ; And the further Sum of *four Thouſand Pounds*, Part of the aforeſaid Sum of *Eleven Thouſand Pounds*, ſhall be applied for the Service of the ſeveral Forts and Garrifons within this Province ; And the further Sum of *one Thouſand Pounds*, Part of the aforeſaid Sum of *Eleven Thouſand Pounds*, ſhall be applied for the Payment of his Majeſty's Council and Houſe of Representatives, ſerving in the General Court, during the ſeveral Sefſions for the preſent Year ; And the further Sum of *three Hundred Pounds*, Part of the aforeſaid Sum of *Eleven Thouſand Pounds*, ſhall be applied for the diſcharge of other Debts owing from this Province to Perſons who have ſerved, or ſhall ſerve them by Order of this Court, in ſuch Matters and Things where there is no Eſtabliſhment, nor any certain Sum aſſigned for that Purpoſe, and for Paper, Writing and Printing for this Court.

£. 4000 for
Forts and
Garrifons.

£. 1000 for
Pay of Coun-
cellors & Re-
presentatives
Attendance.

£. 300 for
Debts where
there is no
Eſtabliſhment

And whereas there are ſometimes contingent and unforeſeen Charges that demand prompt Payment :

£. 100 for
contingent
Charges.

Be it enacted, That the Sum of *one Hundred Pounds*, being the remaining Part of the aforeſaid Sum of *Eleven Thouſand Pounds*, be applied to pay ſuch contingent Charges, and for no other Purpoſe whatſoever.

And in order to draw the Money into the Treafury again, and to enable the Treafurer effectually to diſcharge the Receipts and Obligations, (with the Intereſt that may be due thereon) by him given for one Half of the aforeſaid Sum of Eleven Thouſand Pounds, and which ſhall be made payable by the thirtieth Day of June One Thouſand ſeven Hundred and fifty-ſeven, in Purſuance of this Act :

Tax of £ 6000
granted in
1756.

Be it enacted, That there be and hereby is granted to his moſt excellent Majeſty, a Tax of *ſix Thouſand Pounds*, to be levied on the Polls and Eſtates within this Province, according to ſuch Rules and in ſuch Proportions, as ſhall be ordered by the General Court of this Province, at their Sefſions in *May One Thouſand ſeven Hundred and fifty-fix*.

Rule for Ap-
portioning
the Tax in
Caſe no Tax
Act ſhall be
agreed on.

And be it further enacted, That in Caſe the General Court ſhall not by the twentieth of *June One Thouſand ſeven Hundred and fifty-fix*, agree and conclude upon a Tax-Act to draw into the Treafury the aforeſaid Sum of *Six Thouſand Pounds*, by the thirty-fiſt Day of *March* then next following, that then the Treafurer of the Province for the Time being, ſome-time in the Month of *July* immediately following the twentieth Day of *June* aforeſaid, is hereby fully impowered and directed to iſſue his Warrants directed to the Select-Men or Aſſeſſors of the ſeveral Towns and Diſtricts in this Province, requiring them reſpectively to aſſeſs, levy and pay in their reſpective Proportions of ſaid Sum according to the Rates and Proportions, Rules and Directions of the laſt preceeding Tax-Act.

And to enable the Treafurer effectually to diſcharge the Receipts and Obligations by him given for the other Half of the aforeſaid Sum of Eleven Thouſand Pounds, and which ſhall be made payable by the thirtieth Day of June One Thouſand ſeven Hundred and fifty eight, (with the Intereſt that may be due thereon) in Purſuance of this Act :

Be

Exportation of Provisions.

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Be it enacted, That there be and hereby is granted to his most excellent Majesty, a Tax of *six Thousand three Hundred Pounds*, to be levied on the Polls and Estates within this Province, according to such Rules and in such Proportions as shall be ordered by the General Court of this Province at their Sessions in *May One Thousand seven Hundred and fifty-seven*.

Tax of £. 6.
300 granted
in 1757.

And be it further enacted, That in Case the General Court shall not by the twentieth Day of *June One Thousand seven Hundred and fifty-seven*, agree and conclude upon a Tax-Act to draw into the Treasury the aforesaid Sum of *six Thousand three Hundred Pounds* by the thirty-first Day of *March* then next following, that then the Treasurer of the Province for the Time being, sometime in the Month of *July* immediately following the twentieth Day of *June One Thousand seven Hundred and fifty-seven* aforesaid, is hereby fully empowered and directed to issue his Warrants directed to the Select-Men or Assessors of the several Towns and Districts in this Province, requiring them respectively to assess, levy and pay in their respective Proportions of said Sum according to the Rates and Proportions, Rules and Directions of the last preceeding Tax-Act.

Rule for Apportioning the Tax in Case no Tax-Act shall be agreed on.

C H A P. XXV.

An Act for preventing the Exportation of Provisions and Warlike Stores out of this Province.

Be it enacted by the Governour, Council and House of Representatives, That no Warlike Stores or Provisions of any Kind whatsoever (Fish only excepted) shall be exported or carried out of any Port or Harbour in this Province, in any Vessel whatever, before the twentieth Day of *June* next, saving only such Provisions or Warlike Stores as are necessary for the Defence of each respective Vessel outward bound, and victualling the Mariners on Board the same, during their intended Voyage, and whereof an Account in Writing shall be given by the Master of such Vessel on Oath to the Impost Officer or his Deputy; and where there is no Impost Officer or Deputy, then to a Justice of the Peace, or Town Clerk, on Pain of *One Thousand Pounds* Lawful Money, to be forfeited and paid by the Master, and the like Sum by the Owner and Owners, Factor and Factors of each respective Vessel in which any Warlike Stores or Provisions shall be exported or carried out of any Port or Harbour in this Province; one Moiety thereof to the Use of this Government, and the other Moiety to him or them that shall inform or sue for the same: And such Masters, Owners and Factors respectively upon their being convicted of the Offence aforesaid, at the Superiour Court of Judicature, Court of Assize and General Goal Delivery, shall be further liable to stand in the Pillory, and have one of their Ears cut off.

Exportation of Warlike Stores and Provisions prohibited saving.

Penalty &c. for Breach of this Act.

And whereas it has been the Practice of some Persons to pack Beef and Pork and other Provisions in Barrells and other Casks, and mark on the outside of said Cask, Mackerell or Fish, with Intent to Elude this Act:

Be it therefore further enacted, That when any Vessel is bound out of this Government with pickled Fish of any Kind on board, the Master, Freighter or Freighters, shall make Oath either before the Impost Officer or his Deputy, or before one of his Majesty's Justices of the Peace in the County where such Vessels sail from, or where the Freighter or Freighters dwell, that every Cask that is shipt on board such outward bound Vessel as Fish, is *bonâ fide* pickled Fish, and that there is no more Provisions or Warlike Stores shipt or intended to be shipt on board said Vessel than is necessary for defending and victualling such Vessel as aforesaid; and no Vessel outward bound shall be cleared out by the Impost Officer or his Deputy, until such Oath be first made.

Master or Freighter to make Oath as to the Contents of Casks.

[H h h]

And

Exportation of Proviſions.

Penalty for
putting a falſe
Mark.

And be it further enacted, That any Cooper or other Perſon who ſhall pack or put up in any Caſk, any Proviſions of any Kind in order to be ſhippt on board any Veſſel bound out of this Government as aforeſaid, and ſhall put or cauſe to be put on any fallacious Mark whereby to induce any Perſon to believe there is not contained any Thing in ſaid Caſk that in Fact they do contain, and be thereof convicted as aforeſaid, ſhall ſuffer the ſame Penalties that the Maſter or Owners aforeſaid are liable to by this Act in Caſe of exporting and carrying Proviſions and Warlike Stores out of this Province.

Penalty for
ſhipping or
receiving on
board Pro-
viſions with a
falſe Mark.

And be it further enacted, That every Freighter that ſhall be convicted of ſhipping on board any outward bound Veſſel, or any Maſter that ſhall knowingly take on board any Proviſions with a falſe Mark thereon with a Deſign to Elude this Act, and be thereof convicted in the Superiour Court aforeſaid, ſhall ſuffer the ſame Penalties as if ſaid Proviſions had been ſent out of this Province contrary to this Act as before mentioned.

Governour
and Council
may prolong
the Time a-
bove.

And be it further enacted, That if the Governour or Commander in Chief for the Time being ſhall ſee fit with the Advice and Conſent of the Council, to iſſue a Proclamation prohibiting the Exportation of Proviſions or Warlike Stores out of this Province for any Time after the ſaid twentieth Day of *June* next, and not exceeding the twentieth Day of *November* following in this preſent Year, the Maſter and Owner and Owners, Factor and Factors of any Veſſel or Veſſels, on board of which ſuch Proviſions or Warlike Stores ſhall be exported or ſhipped contrary to ſuch Proclamation, ſhall be reſpectively liable to the ſame Pains and Penalties as if the ſame had been exported before the ſaid twentieth Day of *June*, contrary to this Act.

Proviſo for
Sea or Land
Forces.

Provided always, That it ſhall and may be lawful for any Proviſions or Warlike Stores to be exported for the Service of his Majeſty's Sea or Land Forces, on board any Veſſel or Veſſels liſenſed for that Purpoſe, by the Governour or Commander in Chief for the Time being with the Advice of the Council.

Proviſo for
coasting Veſ-
ſels, &c.

Provided alſo, That it ſhall and may be lawful for Proviſions and Warlike Stores to be laden, and transported on board any Coaſting Veſſel or Veſſels paſſing from one Port to another within this Province, Bonds being firſt given in a *Thouſand Pounds* Lawful Money, with ſufficient Sureties to the Impoſt Officer or his Deputy, and where there is no Impoſt Officer or Deputy, then to a Juſtice of the Peace or the Town Clerk, to Re-land the ſame in ſome Town or Diſtrict in this Province, and to return a Certificate thereof from the Deputy Impoſt Officer reſiding in the Town or Diſtrict where they are ſo Re-landed, or from the Town or Diſtrict Clerk of ſuch Towns or Diſtricts where no Deputy Impoſt Officer reſides. *Provided alſo*, That in ſuch Towns where the Fiſhery is carried on, and out of which Veſſels coaſting from one Port to another in this Province, and wherein neither Impoſt Officer or his Deputy dwells, the Maſters of ſuch Fiſhing or Coaſting Veſſels may render the Account aforeſaid on Oath to a Juſtice of the Peace or the Town or Diſtrict Clerk of the reſpective Towns out of which they ſail, who is hereby impowered to take the ſame: And the Account ſo taken and attested ſhall be by them tranſmitted to the Impoſt Officer, which ſhall be as effectual as though the ſame were taken by him or his Deputy.

Proviſo alſo
where the
Fiſhery is
carried on.

Impoſt Of-
ficer's Fee.

And be it enacted, That the Impoſt Officer ſhall be allowed *one Shilling* for each Bond ſo taken; and every Juſtice and Town or Diſtrict Clerk the like Sum for every ſuch Certificate by them reſpectively tranſmitted as aforeſaid, to be paid by the Maſter.

And be it further enacted, That it ſhall be unlawful for any of his Majeſty's Subjects of this Province, and they are hereby ſtrictly forbidden to hold any Correſpondence or Communication with any Inhabitants of *Louisbourg*.

Excise.

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bourg, or any other of the French Settlements in *North-America*, either by Land or Water; and if any Person or Persons belonging to this Province shall presume to go or send to *Louisbourg*, or any other French Settlement in *North-America* during the Continuance of this Act, the Ship, Sloop, or other Vessel employed with all her Tackle and Appurtenances and her Cargo, shall be forfeited, one half to his Majesty for the Use of this Province, the other half to him or them who shall inform and sue for the same in any of his Majesty's Courts within this Province proper to try the same; and be further liable if a Ship or Vessel, the Master to have one Ear cut off, and be publicly whipt thirty nine Lashes, and the Owner or Owners, and Factor or Factors of the Owner or Owners of such Ship or other Vessel shall forfeit and pay each five Hundred Pounds, to be recovered and disposed of as above, and also be forever disabled to hold any Place of Honour or Profit under this Government.

Penalty for holding Correspondence or Communication with Inhabitants of *Louisbourg*, &c.

C H A P. XXVI.

An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes, Lemmons and Oranges.

W E his Majesty's most loyal and dutiful Subjects the Representatives of the Province of the Massachusetts-Bay in General Court assembled, being desirous to lessen the present Debt of the Province, have cheerfully and unanimously granted, and do hereby give and grant unto his most excellent Majesty for the End and Use above mentioned, and for no other Use, an Excise upon all Rum, and other Spirits distilled, and upon all Wines whatsoever, and upon Lemmons, Limes and Oranges, to be raised, levied, collected and paid in Manner and Form following: Preamble.

And be it accordingly enacted by the Governour, Council and House of Representatives, That from and after the twenty-sixth Day of March, One Thousand seven Hundred and fifty-six, and until the twenty-sixth of March One Thousand seven Hundred and fifty-seven, every Person already licenced or that shall be hereafter licenced to retail Rum or other Spirits or Wine, shall pay the Duties following. Time of this Act's Continuance.

For every Gallon of Rum and Spirits distilled, four Pence.

For every Gallon of Wine of every Sort, six Pence.

For every Hundred of Lemmons or Oranges, four Shillings.

For every Hundred of Limes, one Shilling and six Pence, and so proportionably for any other Quantity or Number.

And be it further enacted, That every Retailer of Wine, Rum or Spirits distilled, Taverner, Innholder and common Victualler, shall on the said twenty-sixth Day of March next, take a just and true Account in Writing of all Wine, Rum and Spirits distilled, and of all Limes, Lemmons and Oranges then by him or her, or in his or her Possession. And that every Person who shall hereafter be licenced to be a Taverner, Innholder, Common Victualler, or Retailer of Wine, Rum or Spirits distilled, shall take a like Account of all Wine, Rum and Spirits distilled, and of all Limes, Lemmons and Oranges by him or her, or in his or her Possession, at the Time of such Licence granted. And that every Taverner, Innholder and Common Victualler, and Retailer of Wine, Rum or Spirits distilled, shall make a fair Entry in a Book by them respectively to be kept for that Purpose, of all such Wine, Rum or Spirits distilled, as he or she or any Person or Persons for him or her, shall buy, distill, take in or receive, after such first Account taken, and when and of whom the same was bought and taken in: And at the Expiration of every half Year shall take a just and true Account. Account to be taken.

count how much thereof then remains by them; and shall in writing under their Hands render to him or them that shall farm the Duties aforesaid, the whole of those several Accounts, and shall also if requested, make Oath in the Form following, before such Farmer or Farmers, who are hereby impowered to administer the same:

Form of the
Oath.

YOU A. B. do Swear, that the Account by you now rendered is to the best of your Knowledge, a just and true Account of all the Wine, Rum and distilled Spirits, Limes, Lemmons and Oranges you had by you, or in your Possession on the twenty-sixth Day of March, One Thousand seven Hundred and fifty six; and also of all the Wine, Rum and distilled Spirits, bought, distilled, taken in or received by you, or by any Person or Persons for or under you, or by or with your Knowledge, Allowance, Consent or Connivance, and that there still remains thereof in your Possession unsold, so much as is in this Account said to remain by you unsold; and that you do not know or believe, that there hath been by you, or by any other Person or Persons, for or under you, or by your or their Order, Allowance, Consent or Connivance, either directly, or indirectly, sold used or consumed, any Wine, or Liquor for or as Wine, any Rum or distilled Spirits, or Liquor for or as Rum or distilled Spirits, or that there hath been any Limes, Lemmons or Oranges by you or by any Person or Persons for or under you, or by your Order, Consent, Allowance or Connivance used or consumed, in making Punch or otherwise, since the said twenty-sixth Day of March, besides what is contained in the Account by you now rendered.

So help you GOD.

And for every Person that was not licenced on the said twenty-sixth Day of March, the Form of the Oath shall be so varied, as that instead of mentioning that Day, the Time of their being licenced shall be inserted and used, and for every Person rendering an Account after the first, the Oath shall be so varied, as that instead of expressing the Day aforesaid, the Time of taking and rendering their last Account shall be inserted and used.

Duties to be
paid by the
Farmer.

Ten per Cent.
allowed for
Leakage.

Taverner &c.
to give Bond.

And every such Taverner, Inn-holder, common Victualler and Retailer, shall pay the Duties aforesaid to him or them that shall farm the same, or the whole of the several Articles mentioned in such Account rendered, save only for such Part thereof as remains in their Hands unsold: *Provided nevertheless*, that for Leakage &c. *ten per Cent.* shall be allowed them on all Liquors in such Account mentioned besides what remains in their Hands unsold.

And be it further enacted, That every Person hereafter licenced to be a Taverner, Inn-holder, common Victualler or Retailer of Wine, Rum or Spirits distilled, shall within thirty Days after such Licence granted, and before he or she sell by Vertue of the same, not only become bound to keep good Rule &c. as by Law is already required, but shall also become bound with sufficient Sureties by way of Recognizance to his Majesty for the Use of him or them that have farmed or shall farm the Duties aforesaid, in a sufficient Sum to be ordered by the Court that grants the Licence; which Sum shall not be less than *Fifty Pounds*, Conditioned that they shall take, keep and render the Accounts aforesaid, and pay the Duties aforesaid, as in and by this Act is required.

Forfeiture for
neglect in
keeping and
rendering Ac-
counts.

And be it further enacted, That every such Taverner, Innholder, common Victualler and Retailer, who shall neglect or refuse to take, keep and render such Accounts as by this Act is required, or that shall neglect or refuse to take the Oath aforesaid, if required, shall forfeit and pay to him or them that shall farm the Duties aforesaid, double the Sum which the Court of General Sessions of the Peace in that County shall adjudge that the Duties of Excise upon the Liquors, Limes, Lemons and Oranges by such Taverner, Innholder, common Victualler or Retailer, or by any for or under him or them, sold, used or consumed would

Excise.

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would have amounted to; and no Person shall be licenced by the Justices of the General Sessions of the Peace that hath not accounted with the Farmer, and paid him the Excise aforesaid due from such Person at the Time of his or her taking or renewing such Licence.

And whereas notwithstanding the Laws made against selling strong Drink without Licence, many Persons not regarding the Penalties in said Acts, do receive and entertain Persons in their Houses, and sell great Quantities of Spirits and other strong Drink without Licence, by Reason whereof great Debaucheries are committed and kept secret, and such as take Licences and pay the Duties of Excise therefor are greatly wronged, and the Farmers unjustly deprived of their Dues :

Preamble.

Be it therefore enacted, That if any Distiller, Importer, or any other Person whatsoever after the said twenty-sixth Day of March, shall presume directly or indirectly to sell any Rum or other distilled Spirits or Wine in less Quantity than twenty-five Gallons, or any Beer, Ale, Cyder, Perry or other strong Drink in any Quantity less than ten Gallons, without Licence first had and obtained from the Court of General Sessions of the Peace in that County, and Recognizing in Manner as aforesaid, shall forfeit and pay for each Offence the Sum of Four Pounds Lawful Money, and Costs of Prosecution, one Half to the Farmer of said Duties, and the other Half to the Informer. And all such as shall neglect or refuse to pay the Fine aforesaid, shall stand closely committed in the common Goal of the County, and not have the Liberty of the Goalers's House or Yard, until said Sum of four Pounds is paid with Costs, and any Goaler giving Liberty contrary to this Act, shall forfeit and pay the said Sum of four Pounds and Cost of Prosecution.

Forfeiture of
l. 4 for selling
without Li-
cence.

And whereas in order to elude the Design of this Act some Persons may join together and buy Wine, Rum, Brandy and other Spirits distilled in Quantities above twenty five Gallons, and afterwards divide the same among themselves in less Quantities :

Be it therefore enacted, That where two or more Persons not licenced as aforesaid, shall join together, and purchase Wine, Rum, Brandy or Spirits distilled, or shall employ any other Person or Persons not licenced as aforesaid to do it, and shall afterwards divide the same, or cause it to be divided among themselves or otherwise in less Quantities than twenty-five Gallons, they shall be deemed and taken to be Sellers of such Wine, Rum, Brandy and other distilled Spirits, and each and every of them shall be subject to the same Pains, Penalties and Forfeitures, as any Person by this Act is who shall sell Wine, Rum or Spirits distilled without Licence first had and obtained.

Persons not
licenced join-
ing together
in purchasing
Liquors and
dividing the
same, liable
to a Forfeiture.

And whereas some Doubts have arisen whether the lending or delivering Wine, Rum, Brandy or Spirits distilled to others for their Use upon Agreement or in Confidence of having the like Liquors returned again, be a Sale thereof : Wherefore for removing all such Doubts ;

Be it enacted, That all Wine, Rum, Brandy and other spirituous Liquors lent or delivered to others for their Use upon such like Consideration, is and shall be deemed and taken to be an absolute Sale thereof : And that every Person not licenced as aforesaid, that shall order, allow, permit or connive at the selling Wine, Rum, Brandy or distilled Spirits, contrary to the true Intent and Meaning of this Act, by his or their Child or Children, Servant or Servants, or any other Person or Persons in or belonging to his or her House or Family, shall be deemed and taken to be the Seller of such Liquors, and be subject to the aforesaid Pains and Penalties provided against such Offenders, and shall be recovered in like Manner. *Provided,* that if it shall be made appear that the Li-

Liquors lent
or delivered
on the above
Consideration
to be deemed
a Sale.

quors, lent or delivered as aforesaid shall have had the Duty paid upon them, or were purchased of any Person or Persons having Licence or Permit, the Person lending or delivering the same as aforesaid, shall not be subject to the aforesaid Pains and Penalties.

Preamble.

And whereas divers other Persons than those licenced to sell Rum and other distilled Spirits by Retail have heretofore supplied Persons employed by them in the Fishery, building Vessels, and in other Business, with Rum and other Liquors, without paying any Excise thereon, and thereby have defrauded the Government of the Duty of Excise, and have not been subject to the Penalty provided by Law against selling Drink without Licence, and the same Practice will probably be continued unless effectual Care be taken to prevent the same :

Persons not
licenced sup-
plying those
employed by
them in the
Fishery, &c.
with spiritous
Liquors, to be
deem'd sellers.

Be it therefore further enacted, That all Persons not Licenced as aforesaid, who hereafter shall by themselves, or by any other Person or Persons under them, or by their Order, Allowance, or Connivance, supply any Person or Persons by them employed in the Fishery, building of Vessels, or in any other Business or Employ, with Wine, Rum or other distilled Spirits, shall be deemed and taken to be Sellers of such Liquors, and be subjected to the aforesaid Pains and Penalties, provided against Persons selling any of the Liquors aforesaid without Licence, which shall be recovered, in the like Manner, unless they make it appear that such Wine, Rum or other distilled Spirits was purchased of a Taverner, Innholder or Retailer, or other Person or Persons that had Licence or Permit to sell the same.

One Witness
sufficient for
Conviction,

And be it further enacted, That when any Person shall be charged with selling strong Drink without Licence, one Witness produced to the Satisfaction of the Court or Justice before whom the Trial is, shall be deemed sufficient for Conviction ; And when and so often as it shall be observed that there is a Resort of Persons to Houses suspected of selling strong Drink without Licence, any Justice of the Peace in the same County shall have full Power to convene such Persons before him, and examine them upon Oath concerning the Persons suspected of selling or retailing strong Drink in such Houses, Out-houses or other Dependencies thereof ; and if upon Examination of such Witnesses, and hearing the Defence of such suspected Person, it shall appear to the Justice there is sufficient Proof of the Violation of this Act by selling strong Drink without Licence, Judgment may thereupon be made up against such Person, and he shall forfeit and pay in like Manner as if Process had been commenced by Bill, Plaint or Information before the said Justice, or otherwise such Justice may bind over the Person suspected and the Witnesses to the next Court of General Sessions of the Peace for the County where such Person shall dwell.

Penalty for
selling strong
Drink to Ne-
groes, Molat-
toes, &c.,

And be it further enacted, That when and so often as any Person shall be charged with selling strong Drink without Licence to any Negro, Indian or Mollato Slave, or to any Child or other Person under the Age of Discretion, and other Circumstances concurring, it shall appear to be highly probable in the Judgment of the Court or Justice before whom the Trial shall be, that the Person complained of is guilty, then and in every such Case unless the Defendant shall acquit him or herself upon Oath (to be administered to him or her by the Court or Justice that shall try the Cause) such Defendant shall forfeit and pay *four Pounds* to the Farmer of Excise, and Costs of Prosecution : But if the Defendant shall acquit him or herself upon Oath as aforesaid, the Court or Justice may and shall enter up Judgment for the Defendant to recover Costs.

Penalty on
Persons refu-
sing to give
Evidence.

And be it further enacted, That if any Person or Persons shall be summoned to appear before a Justice of the Peace or the Grand Jury to give Evidence relating to any Person's selling strong Drink without Licence, or to appear before the Court of General Sessions of the Peace or other Court proper to try the same.

Excise.

same, to give Evidence on the Trial of any Person informed against, presented or indicted for selling strong Drink without Licence, and shall neglect or refuse to appear or to give Evidence in that Behalf, every Person so offending shall forfeit the Sum of *twenty Pounds* and Cost of Prosecution, the one half of the Penalty aforesaid to be to his Majesty for the Use of the Farmer, and the other half to and for the Use of him or them who shall sue for the same as aforesaid. And when it shall so happen that Witnesses are bound to Sea before the Sitting of the Court where any Person or Persons informed against for selling strong Drink without Licence, is or are to be prosecuted for the same; in every such Case the Deposition of any Witness or Witnesses in Writing taken before any two of his Majesty's Justices of the Peace *Quorum Unus*, and sealed up and delivered into Court (the adverse Party having first had a Notification in Writing sent to him or her of the Time and Place of Caption) shall be esteemed as sufficient Evidence in Law to convict any Person or Persons offending against this Act, as if such Witness or Witnesses had been present at the Time of Trial, and given his, her or their Deposition *viva voce*, and every Person or Persons who shall be summoned to give Evidence before two Justices of the Peace in Manner as aforesaid, and shall neglect or refuse to appear, or to give Evidence relating to the Facts, he or she shall be enquired of, shall be liable and subject to the same Penalty as he or she would have been by Virtue of this Act for not appearing or neglecting or refusing to give his or her Evidence before the Grand Jury or Court as aforesaid.

And he it further enacted, That all Fines, Forfeitures and Penalties arising by this Act, shall and may be recovered by Bill, Paint or Information before any Court of Record proper to try the same, and where the Sum forfeited doth not exceed *four Pounds* by Bill, Plaint or Information before any one of his Majesty's Justices of the Peace in the respective Counties where such Offence shall be committed, which said Justice is hereby empowered to try and determine the same, and said Justice shall make a fair Entry or Record of all such Proceedings: Saving always to any Person or Persons who shall think him, her or themselves aggrieved by the Sentence or Determination of the said Justice, Liberty of Appeal therefrom to the next Court of General Sessions of the Peace to be holden in and for said County, at which Court such Offence shall be finally determined, provided that in said Appeal the same Rules be observed as are already required by Law in Appeals from Justices to the Court of General Sessions of the Peace, saving only that the Recognizance for prosecuting the Appeal shall be *eight Pounds*.

How Fines
are to be re-
covered.

Be it further enacted, That every Farmer shall settle all Accounts relating to said Excise in the County where he is Farmer, first giving seasonable and publick Notice of the Time and Place or Places where said Business shall be transacted.

Farmer to
settle Ac-
counts.

Be it further enacted, That one or more Person or Persons to be nominated and appointed by the General Court for and within the several Counties within this Province, (publick Notice being first given of the Time and Place and Occasion of their Meeting) shall have full Power and are hereby authorized from Time to Time to contract or agree with any Person for or concerning the farming the Duties in this Act mentioned, upon Rum and other the Liquors and Commodities aforesaid in the respective Counties for which they shall be appointed, as may be for the greatest Profit and Advantage of the Publick, so as the same exceed not the Term of one Year after the Commencement of this Act: And every Farmer or his Deputy or Deputies of the Duties of Excise in any County, shall have Power to inspect the Houses of all such as are licenced, and of such as are suspected of selling without Licence, to demand, sue for, and receive the Excise due from licenced Persons or others by Virtue of this Act.

Persons im-
powered to
farm out the
Excise.

And

Farmer to
give Bond the
Sum agreed
for be pain in-
to the publick
Treasury.

And be it further enacted, That the Farmer shall give Bond with two sufficient Sureties to the Province Treasurer for the Time being, and his Successor in said Office, in double the Sum of Money that shall be contracted for, with Condition that the Sum agreed on be paid into the Province Treasury for the Use of the Province at the Expiration of one Year from the Commencement of this Act; which Bond the Person or Persons to be appointed a Committee of such County, are to take and the same to lodge with the Treasurer as aforesaid within twenty Days after such Bond is executed; and the said Treasurer, on Failure or Neglect of Payment at the Time therein limited, may and is hereby empowered to issue out his Execution (returnable in sixty Days) against such Farmer of Excise and his Sureties or either of them, for the full Sum expressed in the Condition of their Bonds as they shall respectively become due, in the same Manner as he is enabled by Law to issue out his Executions against defective Constables, or to put such Bond in Suit; and the said Committee shall render an Account of their Proceedings touching the farming this Duty on Rum, Wine and other the Liquors and Species afore-mentioned in their respective Counties to the General Court in the first Week of the next Sitting of this Court, and shall receive such Sum or Sums for their Trouble and Expence in said Affair as said Court shall think fit to allow them; and every Person farming the Excise in any County may substitute and appoint one or more Deputy or Deputies under him upon Oath to collect and receive the Excise aforesaid which shall become due in said County and pay in the same to such Farmer, which Deputy and Deputies shall have use and exercise all such Powers and Authorities as in and by this Act are given or committed to the Farmer for the better collecting the Duties aforesaid, or prosecuting Offenders against this Act.

Farmers may
appoint De-
puties.

Penalty for
Farmers or
Deputies of-
fending.

And be it further enacted, That in Case any Person farming the Excise as aforesaid or his Deputy, shall at any Time during their Continuance in said Office, wittingly and willingly connive at or allow any Person or Persons within their respective Divisions (not licenced by the Court of General Sessions of the Peace) their selling any Wines, Rum or other Liquors by this Act forbidden, such Farmer or Deputy for every such Offence shall forfeit the Sum of *fifty Pounds* and Costs of Prosecution, one Half of the Penalty aforesaid to be to his Majesty for the Use of this Province, the other Half to him or them that shall inform and sue for the same, and shall thenceforward be for ever disabled for serving in said Office; saving that said Farmer may give a Permit to any Person to sell Wine, Rum or Spirits distilled in Quantity from twenty five Gallons and upward agreeable to this Act.

Provision in
Case of Death
&c.

And be it further enacted, That in Case of the Death of the Farmer of Excise in any County, the Executors or Administrators of such Farmer shall upon their accepting of such Trust of Executor or Administrator, have and enjoy all the Powers, and be subject to all the Duties the Farmer had or might enjoy or was subject to by Force of this Act.

Proviso:

Provided always, and it is the true Intent and Meaning of this Act, that if any Taverner or Retailer shall sell to any other Taverner or Retailer any Quantity of distilled Liquors or Wine, such Taverner or Retailer selling as aforesaid, shall not be held to pay such Duty; but the Taverner or Retailer who is the Purchaser shall pay the same, and the Seller as aforesaid shall and is hereby required to deliver to the Farmer of this Duty a true Account of such Liquors sold as aforesaid, and to whom sold.

And to the End that the Revenue arising from the Excise upon spirituous Liquors may be increased and raised with more Equality:

Be it enacted, That from and after the twenty-sixth Day of March One Thousand seven Hundred and fifty-six, to the twenty-sixth Day of March One

Excise.

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One Thousand ſeven Hundred and fifty-ſeven, upon all Rum and other diſtilled Spirits, and all Wine imported or manufactured and ſold for Conſumption within this Province, there be laid and hereby is laid the Duty or Excise following, viz.

For every Gallon of Rum and Spirits diſtilled, *four Pence.*

For every Gallon of Wine of every Sort, *ſix Pence*, to be paid to the Farmer of Excise or his Deputy by every Perſon having Permit to ſell the ſaid Liquors in each County reſpectively.

And be it further enacted, That every Perſon that ſhall import any of the Liquors aforeſaid, or to whom any of them ſhall or may be conſigned, ſhall be and hereby is prohibited from ſelling the ſame or any Part thereof, without having a Permit ſo to do from the Farmer of Excise or his Deputy, which Permit ſhall be had and procured before the landing of ſuch Liquors; and every Perſon diſtilling or manufacturing any of the ſaid Liquors, and every Perſon owning or poſſeſſing any of them, excepting ſuch as are or may be licenced by the Court of General Sessions of the Peace as aforeſaid, ſhall be and hereby are prohibited from ſelling the ſame, or any Part thereof, without having a Permit ſo to do from the Farmer of Excise or his Deputy, on Forfeiture of *Two Hundred Pounds*, and of the Value of the Liquors ſo ſold; and the ſaid Permit ſhall expreſs the particular Shop, Houſe, Warehouse, or Diſtil-Houſe where the ſaid Liquors ſhall be permitted to be ſold; and if any Perſon who ſhall have ſuch Permit ſhall ſell and deliver, or cauſe to be ſold and delivered any of the Liquors aforeſaid from any Place or Places not mentioned in ſuch Permit, he ſhall forfeit *four Pounds* to be paid to the Farmer.

Provided nevertheless, That the Impoſt Officer and his Deputy ſhall be and hereby are reſpectively impowered to grant a Permit for ſelling the Liquors aforeſaid or any of them, to any Perſon applying for the ſame, until the Duty or Excise aforeſaid in each County reſpectively ſhall be let or farmed, and until the Farmer ſhall give publick Notice that ſaid Duty or Excise is let or farmed to him as aforeſaid: And ſaid Impoſt Officer and Deputy ſhall transmit to the Farmer of each County an Account of the Permits by each of them reſpectively granted to Perſons living in ſuch County.

Be it further enacted, That if ſaid Farmer or his Deputy ſhall have Information of any Place where any of the Liquors aforeſaid ſhall have been ſold by any Perſon not having Permit as aforeſaid, he may apply to any Juſtice of the Peace within the County for a Warrant to ſearch ſuch Place, and ſaid Juſtice ſhall grant ſuch Warrant (directed to ſome proper Officer) upon ſaid Farmer or Deputy's making Oath that he hath had Information as aforeſaid, and that he hath juſt Cauſe to ſuſpect that the Liquors aforeſaid or ſome of them have been ſold at ſuch Place informed of as aforeſaid, and having ſuch Warrant and being attended by ſuch Officer, the ſaid Farmer or his Deputy may in the Day Time between Sun-riſing and Sun-ſetting demand Admittance of the Perſon owning or occupying ſuch Place, and upon Refuſal ſhall have Right to break open ſuch Place, and finding ſuch Liquors may ſeize and take the ſame into his own Cuſtody; and the Farmer aforeſaid or his Deputy ſhall be and hereby is impowered to command Aſſiſtance, and impreſs Carriages neceſſary to ſecure the Liquors ſeized as aforeſaid, and any Perſon reſuſing Aſſiſtance or preventing ſaid Officers from executing their Office ſhall forfeit *five Pounds* to the Farmer, and the ſaid Farmer or Deputy ſhall make reaſonable Satisfaction for the Aſſiſtance afforded, and Carriages made uſe of to ſecure the Liquor ſeized as aforeſaid, and the Farmer or his Deputy ſhall then file an Information of ſuch Seizure in the Inferiour Court of Common Pleas for the County wherein ſuch Seizure ſhall be made; which Court ſhall ſummon the Owner of ſuch Liquors or the Occupier of the Shop, Houſe, Warehouse or Diſtil-Houſe where the ſame were ſeized, to appear and ſhew Cauſe (if

Duties to be paid by private Perſons for what Liquors they expend.

Liquors not to be ſold by the Importer, &c. without a Permit.

Provided

Farmer applying to a Juſtice for a Warrant may ſearch for Liquors ſuppoſed to be concealed.

any he has) why said Liquors so seized should not be adjudged forfeited, and if such Owner or Occupier shall not shew Cause as aforesaid, or shall make Default, the said Liquors shall be adjudged forfeited, and the said Court shall order them to be sold at publick Vendue, and the Neet Produce of such Sale shall be paid, one Half to the Province Treasurer for the Use of this Province, and the other Half to the Farmer.

Provido.

Provided, That if the Liquors seized as aforesaid be less in Quantity than one Hundred Gallons, the Farmer or his Deputy shall file an Information thereof with one of the Justices of the Peace within the County where the Seizure shall be made, who shall summon the Owner or Occupier aforesaid, in Manner as aforesaid; and if such Owner or Occupier shall not shew Cause, or shall make Default as aforesaid, he shall adjudge such Liquors forfeited, and shall order them to be sold as aforesaid, and the Neet Produce of such Sale to be disposed of as aforesaid; saving to the Person convicted the Liberty of an Appeal, he entering into Recognizance to the KING for the Use of the Farmer in the Sum of *Fifty Pounds*. *Provided also*, that if such Farmer or Deputy shall not find any of the Liquors aforesaid in the Place informed of, and broken open as aforesaid, he shall pay double Damages.

Persons having Permit as aforesaid, to render an Account to the Farmer at the End of every half Year, saving, &c.

We it further enacted, That every Person having Permit as aforesaid shall at the End of each half Year respectively from the twenty-sixth Day of *March* One Thousand seven Hundred and fifty-six, be ready to render to the Farmer aforesaid, or his Deputy an Account on Oath, (if required) of all the Liquors aforesaid, by him or her, and by any Person or Persons on his or her Behalf sold, and also of all of the aforesaid Liquors by him or her imported distilled or manufactured, or which have come into his or her Possession since the twenty-sixth of *March* aforesaid, except the same were bought of a licenced Person in a Quantity less than twenty-five Gallons; which in his or her Family have been consumed or expended within each half Year respectively; which Account shall express the Number of Gallons of each Kind of the Liquors so sold and consumed; and shall pay therefor to the said Farmer or his Deputy the Duty aforesaid, excepting for so much as shall have been sold to Taverners, Innholders or Retailers having Licence from the Sessions as aforesaid, or to any other Persons having Permit as aforesaid; and so much as shall have been exported out of this Province: And if any of said Liquors shall have been sold to Persons licenced by the Sessions, or to Persons having Permit, said Account shall exhibit the Names of such licenced Persons who purchased, and Persons having Permit, and the Time when they purchased the same; and the Person accounting shall exhibit a Certificate under the Hand of the licenced or permitted Person purchasing, which shall express the Number of Gallons, and the Kind of the Liquors purchased, and the Time when the same were purchased, and the Name of the Town and County wherein such licenced or permitted Person lives, and shall lodge the said Certificate with the said Farmer or his Deputy: And for the Quantity of said Liquors mentioned in such Certificate, the said Farmer or his Deputy shall not demand any Duty, but shall deliver said Certificate to the Farmer of the County wherein such licenced or permitted Person signing the same lives; which last mentioned Farmer or his Deputy shall settle with such licenced or permitted Person for the Duty aforesaid, which may be due from him or her.

Persons having Permit as aforesaid, to give an Account of Liquors by them sent out of the Province.

And if any Person having Permit as aforesaid, shall ship or export any of the Liquors aforesaid out of this Province in a Quantity not less than sixty Gallons, and shall make Entry thereof with the Farmer aforesaid or his Deputy, and shall produce to such Farmer or Deputy (when he comes to settle his Account of Excise) one of the Receipts or Bills of Lading given therefor, by the Master of the Vessel on board which such Liquors shall be shipped, expressing the Quantity thereof, and the Time of their being shipped; and shall lodge such

Excise.

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such Receipt or Bill of Lading with the Farmer or his Deputy aforesaid, and at the same Time shall swear, that such Liquors are *bonâ fide* sent, or intended to be sent out of this Province, he or she shall not be held to pay thereon the Duty aforesaid.

And if any Person not having Permit shall purchase for Exportation out of this Province, any of said Liquors in a Quantity not less than sixty Gallons of a Person having Permit, the Purchaser shall make Entry thereof with the Farmer or his Deputy, and at the same Time swear, that such Liquors are *bonâ fide* sent or intended to be sent out of the Province, and shall within ten Days after the Purchase deliver one of the Receipts or Bills of Lading given for such Liquors as aforesaid, to the Person of whom he purchased the same, or be subject to pay the Amount of the Duty thereon to the Person of whom he purchased as aforesaid, who shall pay such Duty to the Farmer or his Deputy; but if the Purchaser aforesaid shall deliver such Receipt or Bill of Lading as aforesaid, and it be lodged with the Farmer or his Deputy; then for the Quantity of said Liquors mentioned therein, the Farmer or his Deputy shall not demand any Duty.

Persons not having Permit, to render an Account, &c.

And if the Master of any Vessel, or any other Person shall give such Certificate, Receipt or Bill of Lading without receiving the Liquors mentioned therein; or if any Person shall procure such Certificate, Receipt or Bill of Lading with Design to defraud the Farmer, and shall be thereof convicted, they and each of them shall forfeit and pay the Sum of *One Hundred Pounds*, one Half for the Use of this Government, and the other Half for the Use of the Farmer. And if any such Certificate, Receipt or Bill of Lading shall be forged, counterfeited or altered, the Person forging, counterfeiting or altering, shall incur the Penalty of *One Hundred Pounds*.

Penalty for Masters or others giving Certificate without receiving the Liquors.

Provided nevertheless, that the Person having Permit as aforesaid shall not sell any of the Liquors aforesaid in a Quantity less than twenty-five Gallons (to be sold and delivered to one Person at one Time) unless he or she hath Licence from the Court of General Sessions of the Peace as aforesaid, on Pain of incurring the several Fines and Penalties in the former Part of this Act laid upon those Persons who sell the Liquors aforesaid without Licence.

Proviso;

Be it further enacted, That the Farmer aforesaid, or his Deputy, when the Exporter shall make an Entry with him as aforesaid, or shall make an Entry with him and swear as aforesaid, shall give to said Exporter a Certificate of such Entry, or a Certificate of such Entry and Oath, on Penalty of *One Hundred Pounds* for the Use of the Exporter.

Farmer to give Certificate on Penalty.

Provided nevertheless, That until the Duties aforesaid be let or farmed, the Exporter aforesaid may make an Entry as aforesaid with the Impost Officer or his Deputy, or make such Entry and swear as aforesaid; and of such Entry, or of such Entry and Oath, the said Impost Officer or his Deputy shall give the said Exporter a Certificate; and for the Liquors mentioned in such Certificate (when the same shall be exhibited) the Farmer or his Deputy shall not demand any Duty.

Proviso;

And be it further enacted, That every Person applying to the Farmer or his Deputy, or to the Impost Officer or his Deputy for a Permit, shall give Bond (if required) for the Use of the Farmer with two sufficient Sureties in a Sum not exceeding *Two Hundred Pounds* nor less than *twenty Pounds*, at the Discretion of the two next Justices of the Peace, Conditioned for the Payment of the Excise that shall become due according to the Account to be exhibited by such Person taking such Permit, and no Person shall have such Permit of the Impost Officer, until he hath given such Bond.

Persons applying for a Permit to give Bond.

And whereas the Importer of any of the Liquors aforesaid, or the Person to whom they shall be consigned, may intend the same for his or her own private Consumption; in which Case such Importer or Consignee is not held by any preceeding Part of this Act to pay the Duty or Excise aforesaid:

Preamble;

Wherefore

Wherefore in order to lay said Duty or Excise in as equal Manner as may be :

Persons importing Liquors for private Consumption, &c. to render Account thereof to the Farmer.

Be it enacted, That every Person that shall bring or import into this Province, either by Land or Water Carriage, any of the Liquors aforesaid for his own private Consumption ; and every Person to whom any such Liquors are consigned for his own private Consumption, shall at the End of each half Year respectively, make out an Account, expressing the Kind and the full Quantity of the Liquors aforesaid, imported or consigned as aforesaid ; which Account such Importer or Consignee shall render to the Farmer or his Deputy on Oath (if required) and shall pay to the said Farmer or his Deputy on the Liquor or Liquors mentioned in said Account the Duty or Excise aforesaid ; (deducting *ten per Cent.* for Leakage,) or pay treble Duty or Excise on the Quantity so imported or consigned, to and for the Use of the Farmer.

Farmer may apply to a Justice for a Warrant or Citation where he may suspect Persons giving a false Account &c.

And if said Farmer or his Deputy shall have Reason to suspect any Person of bringing or importing into this Province either by Land or Water Carriage any of the Liquors aforesaid, or of being Consignee as aforesaid, without having rendered Account, and paid the Duty or Excise as aforesaid, the said Farmer may apply to any Justice of the Peace wit in the County where the Person suspected lives for a Warrant or Citation, and such Justice is hereby empowered and required to cite or apprehend such suspected Person to appear before him within twenty four Hours, on a Complaint made against him or her by the Farmer or his Deputy touching the Duty or Excise aforesaid ; which Warrant or Citation shall be served on or delivered to the suspected Person himself or herself : And when the Parties shall be before him, the said Justice shall examine into the Cause of Complaint, and if it shall appear either by the Confession of the Party, or by the Evidence of one credible Witness that such suspected Person has by him or herself, or by any one on his or her Behalf imported, or has had any of the Liquors aforesaid consigned to him or her without having rendered an Account thereof and paid the Duty or Excise as aforesaid, such suspected Person shall then render a full Account on Oath of the Kinds and Quantity of the Liquors imported or consigned as aforesaid, and shall pay on such Liquors treble Duty or Excise as aforesaid and Costs : And said Justice is hereby empowered to make up Judgment and award Execution accordingly ; provided the said treble Duty exceed not *four Pounds* ; but if such Duty exceed *four Pounds*, then such Justice shall bind the Offender to Answer his Offence at the next Court of General Sessions of the Peace for the County where the Offence was committed, and such Offender shall enter into Recognizance with two sufficient Sureties, to answer for his Offence in the Sum of *Fifty Pounds* ; and any Person or Persons upon refusing to render such Account and paying as aforesaid, shall forfeit *Fifty Pounds* for the Use of the Farmer in Lieu of such treble Duty, to be recovered as is hereafter provided in this Act. And if no Confession be made by such suspected Person, and no Evidence produced as aforesaid, he or she shall then clear him or herself from the Complaint aforesaid, by taking an Oath in the Form following, viz.

Form of the Oath.

YOU A. B. do Swear, that you have not directly or indirectly, either by your self or any Person on your Behalf, imported into this Province any Wine, Rum or Spirits distilled ; and that you have not had any of said Liquors directly or indirectly consigned to you, but what you have paid the Duty or Excise upon, according to an Act of said Province made in the twentieth Year of his Majesty's Reign Intituled An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes, Lemons and Oranges.

So help you GOD.

Which

Excise.

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Which Oath the ſaid Juſtice is hereby impowered and required to adminiſter: And if ſuch ſuſpected Perſon ſhall reſuſe to take ſaid Oath, or ſhall neglect to appear upon the Citation aforeſaid, he or ſhe ſhall pay the Coſt of Citation, and ſhall forfeit for the Uſe of the Farmer the aforeſaid Sum of Fifty Pounds and Coſts of Proſecution; but if ſuch ſuſpected Perſon ſhall take the ſaid Oath, the Coſts of Citation or Warrant ſhall be paid by the Farmer or his Deputy reſpectively, who applied for ſuch Citation or Warrant, who ſhall alſo pay to the Perſon cited or apprehended and taking ſaid Oath the Sum of twenty Shillings.

Penalty for
refuſing to
take the Oath.

Be it further enacted, That the Farmer aforeſaid or his Deputy ſhall be and hereby is obliged to grant a Permit under his Hand to every Perſon applying for the ſame, on Penalty of Two Hundred Pounds, to and for the Uſe of the Perſon making Application; which Permit ſhall be in the Form following, viz.

Farmer to
grant a Per-
mit, on Pe-
nalty.

YOU A. B. of C. in the County of D. are hereby permitted to ſell Rum and other diſtilled Spirits and Wine, or any of ſaid Liquors at in C — aforeſaid, until the twenty-fixth Day of March One Thouſand ſeven Hundred and fifty-ſeven, purſuant to an Act of this Province made in the twenty-ninth Year of his Maſteſty's Reign, Intituled An Act for granting unto his Maſteſty an Excife upon Spirits diſtilled, and Wine, and upon Limes, Lemons and Oranges. Dated at C. this Day of 175

Form of the
Permit.

A. B. Farmer (or Deputy Farmer) of Excife for the County aforeſaid.

And for ſuch Permit the ſaid Farmer or his Deputy ſhall be intituled to receive two Pence and no more: And the like Sum for an Entry made with him; and the like Sum for a Certificate given by him.

Farmer to
keep an Office
in each Sea-
Port Town &c.

Be it further enacted, That the Farmer aforeſaid either by himſelf or his Deputy ſhall keep an Office in each Sea-Port Town within his County, where he or his Deputy ſhall give his Attendance on every Thursday from Nine of the Clock in the Morning to Twelve at Noon, to grant Permits receive Entries, give Certificates &c. Provided, that in the Town of Boſton ſuch an Office ſhall be kept and Attendance given on every Monday and Thursday within the Hours aforeſaid of each of ſaid Days reſpectively. Provided alſo, That ſaid Farmer or his Deputy on Application made, ſhall at any other Time grant Permits, receive Entries, and give Certificates as aforeſaid.

And whereas Perſons not belonging to this Province may import the Liquors aforeſaid, and take Permit to diſpoſe of the ſame; and may go out of the Province before the Time comes about when Perſons ſelling ſaid Liquors are held to Account with the Farmer, and by that Means may eſcape paying the Duty upon what has been ſo diſpoſed of:

Preamble.

For preventing whereof:

Be it enacted, That every Perſon importing the Liquors aforeſaid and applying to the Farmer or his Deputy for a Permit to ſell the ſame, ſhall give Bond to ſaid Farmer (if required) in a Sum not exceeding Two Hundred Pounds nor leſs than Twenty Pounds, at the Diſcretion of the two next Juſtices of the Peace, with ſufficient Surety or Sureties, that he will render to ſaid Farmer or his Deputy an Account on Oath (if required) of the Kind and full Quantity of the Liquors aforeſaid ſold by him, or by any Perſon or Perſons on his Behalf; and that he will pay thereon the Duty or Excife aforeſaid before he leaves the Province; and if ſuch Perſon ſhall reſuſe to give ſuch Bond, the ſaid Farmer or his Deputy ſhall not be obliged to grant him a Permit (any Thing in this Act to the contrary notwithstanding) and if ſuch Perſon ſhall ſell any

Perſons im-
porting Li-
quors as
aforeſaid to
give Bond.

any of the Liquors aforeſaid without Permit, he ſhall be ſubject to all the Penalties that other Perſons ſelling without Permit are ſubject to : Or if ſuch Perſon ſhall give Bond as aforeſaid, and ſhall leave the Province before ſuch Bond be diſcharged, the Farmer may bring his Action on ſaid Bond againſt the Surety or Sureties for the Recovery of the Sum in ſuch Bond mentioned, which ſhall be for the Uſe of the Farmer.

Preamble.

And to the End that this Government may know what Monies ſhall be received by the Farmer of each reſpective County and his Deputies by Virtue of this Act :

Farmer to give two Receipts, &c.

Be it enacted, That to every Perſon licenced by the Sessions and to every Perſon having Permit as aforeſaid, the ſaid Farmer or his Deputy (when ſaid Perſons ſhall Account with them) ſhall give two Receipts under their Hand for what each of them reſpectively have received, either as Duty or as Forfeiture, or in any other Way ; and the ſaid Receipts ſhall expreſs the true and juſt Sum received, and the Conſideration for which it was received : And one of the ſaid Receipts ſhall be lodged within one Month after the Date thereof, by each Perſon reſpectively to whom ſaid Receipt ſhall be given, with the Clerk of the Sessions for the County wherein ſuch Perſon lives, on Penalty of *Forty Shillings*, and of being rendered incapable of renewing his or her Licence or Permit for the future. And the Clerk aforeſaid ſhall tranſmit a true and fair Copy of the Receipts that ſhall be ſo lodged with him, to the Secretary of this Province, who ſhall lay the ſame before this Court.

Farmer to render an Account on Oath of Sums received to the Province Treasurer.

And be it further enacted, That the Farmer of each reſpective County ſhall render an Account on Oath to the Province Treasurer (when he ſhall come to diſcharge his Bond given for the Farm of the Duties aforeſaid) of the Sums and Securities he and his Deputy, or either of them, have in any Way received by Virtue of this Act : and the ſaid Account ſhall expreſs the Name of each Perſon of whom they or either of them have received any Sum or Security, how much that Sum is, or Security is for, and the Time when the ſame were received ; and it ſhall be Part of the Condition of the ſaid Farmer's ſaid Bond that he will render ſuch Account as aforeſaid : And if ſaid Farmer ſhall not have ſettled (when he comes to diſcharge the ſaid Bond) with every Perſon obliged by this Act to account and ſettle with him, his ſaid Bond ſhall not be diſcharged till he has ſo ſettled and rendered an Account on Oath of ſuch Settlement to the Province Treasurer as aforeſaid.

Proviſo.

Provided nevertheless, That if ſaid Farmer ſhall at the end of one Month and of ten Months reſpectively from the Time of Payment expreſſed in ſaid Bond, render an Account on Oath as aforeſaid, and ſhall ſwear that ſuch Account expreſſes the whole Sum that he hath received either in Money or by Securities, or by any other Way whatſoever, then his ſaid Bond ſhall be diſcharged, and be delivered up to him.

Farmer limited for bringing his Actions, &c.

Be it further enacted, That if any Account of Excise ſhall remain unpaid or not ſettled by Bond or Note for the Space of ten Months after the Expiration of this Act, unleſs the Action is depending, the ſaid Farmer or his Deputy ſhall not have Right to bring any Action againſt the Perſon whoſe ſaid Account ſhall remain ſo unpaid or unſettled ; but ſhall forfeit what might otherwiſe have been due from ſuch Perſon.

How Fines, &c. ariſing by this Act are to be diſpoſed of.

Be it further enacted, That all Fines, Penalties, and Forfeitures, ariſing or accruing by any Breach of this Act, and not otherwiſe appropriated, ſhall be one Half to his Maſteſty for the Uſe of this Province, and the other Half for the Uſe of the Farmer, to be recovered by Action, Bill, Plaint, or Information in any of his Maſteſty's Courts of Record.

[*The three foregoing Acts were Published March 8th 1756.*]

Quakers.

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C H A P. XXVII.

An Act subjecting the Inhabitants of the Island of *Nantucket*, and the People called *Quakers* in other Parts of the Province, to an Assessment towards the Charge of defending his Majesty's Territories, in Lieu of their Personal Service.

WHEREAS the impressing of the Inhabitants of the Island of *Nantucket* within this Province, is attended with very great Difficulties, by Reason that the said Island is situated at a considerable Distance from any other Part of the Province, being an Island at Sea, more than thirty Miles from the main Land; and the greatest Part of the Inhabitants being of the People called Quakers :

Preamble.

Be it therefore enacted by the Governour, Council and House of Representatives, That when and so often as it shall be found necessary that a Number of Men should be raised within the several Towns in this Province by Impress, for the Service of his Majesty; and the Quoras of such Men assigned to the several Towns, Counties or Regiments within the Province, the Inhabitants of the said Island of *Nantucket* shall pay into the public Treasury of this Province, the Sum of *thirteen Pounds six Shillings and eight Pence*, for each and every Man that shall be assigned to them to raise as aforesaid; which Monies shall be levied and collected on the Polls and rateable Estates of the Inhabitants of said Island, by the same Rules of Law, and in the same Manner as the Province Tax is levied and collected; and shall from Time to Time be added to their Province Tax in the then next Tax after such Impress or Impresses.

Quakers to pay a Sum in Lieu of Personal Service:

And whereas there are a Number of the People called Quakers, Inhabitants of many Towns and Districts within this Province, besides those who live on the said Island of *Nantucket*, who alledge a Scruple of Conscience to bear Arms in War :

Preamble.

Be it therefore enacted, That the Colonels of the several Regiments of Horse and Foot within this Province, (the said Island of *Nantucket* excepted) shall between this and the last Day of *March* this present Year, return to the Captain-General a List of the Names of the several Persons belonging to their respective Regiments, including and particularly setting forth the exact Number of *Quakers* belonging to each of their said Regiments, or that live within the Districts of said Regiments; and when and so often as it shall be found necessary that a Number of Men should be raised within the several Towns and Districts in this Province by Impress for the Service of his Majesty; then and in that Case there shall be a Computation made of what Number in those Regiments are *Quakers*, and those Regiments shall have no more Men impressed, than their Quota will be with other Regiments, exclusive of *Quakers*.

Colonels to return a List of Quakers to the Captain-General.

And to the Intent that Quakers may do their Duty as to the necessary Defence of the Province :

Be it enacted, That the Captain of each Military Company in which there are any of the People called *Quakers*, shall lodge with the Clerk of the Town to which such Company belongs, a List of the *Quakers* in such Company that have been exempted as aforesaid, and shall certify what Number of Men would have been liable to have been impressed in Proportion to the rest of the Company out of said List, if they had not been exempt as being *Quakers*, and shall also lodge a Duplicate thereof in the Secretary's Office, and this within one Month after receiving Orders to make such Impress; and for every of said *Quakers* who would have been liable to have been so impressed,

Captain of each Company to lodge with the Clerk of the Town a List of the Quakers in such Company.

thirteen

thirteen Pounds six Shillings and eight Pence, shall be added to that Town's Proportion of the next Province Tax : And the Assessors in making their Assessment shall apportion such Sum or Sums among those Persons called *Quakers*, mentioned in such List or Lists, and no others.

Rule for as-
certaining
who are
Quakers.

And for the better ascertaining who are *Quakers*, the same Rule shall be observed as is observed respecting the *Quakers* being freed from Ministers Rates, as by the Laws of this Province now in Force, so far as is needful in this Case : Provided that no Persons shall be considered as *Quakers* for the Purposes mentioned in this Act, except such as professed themselves to be *Quakers* on or before the first Day of *March* the present Year.

Limitation.

This Act to continue and be in Force, from the twelfth of *March* One Thousand seven Hundred and fifty six, for the Space of three Years and no longer.

C H A P. XXVIII.

An Act for reviving and continuing an Act made and passed in the twenty-eighth Year of his present Majesty's Reign, Intituled *An Act for granting to his Majesty several Rates and Duties of Impost and Tonnage of Shipping*.

Last Impost
Act continu-
ed.

BE it enacted by the Governour, Council and House of Representatives, That the Act made and passed in the twenty-eighth Year of his present Majesty's Reign, Intituled *An Act for granting to his Majesty several Rates and Duties of Impost and Tonnage of Shipping*, which expires the twenty-sixth of *March* this present Year ; and every Clause thereof and every Matter and Thing therein contained, saving only so far as relates to the Duties on Liquors, be and hereby is and shall be revived and continued to the twenty-sixth Day of *April* next following, and no longer.

[The two foregoing Acts were Published March 11. 1756.]

C H A P. XXIX.

An Act for preventing Charge to any particular Town or District by Means of the Inhabitants of *Nova-Scotia*, that are or may be sent to this Province.

Preamble.

WHEREAS many Towns and Districts within this Province, have been compelled to receive the Inhabitants of *Nova-Scotia*, which have been sent and are arrived here, and it may happen that in Time to come some of said Inhabitants by Means of Sicknes or from other Causes, may be unable to Support themselves, and it may be necessary that Relief should be afforded to them :

Nova-Scotia
Inhabitants
to be provid-
ed for in Case
of Sicknes &c.

BE it therefore enacted by the Governour, Council and House of Representatives, That whensoever it shall so happen, that any of said Inhabitants of *Nova-Scotia*, shall by Sicknes or otherwise be rendered incapable of providing for their own Support, the Towns or Districts where such Inhabitants are or may be, shall not be held to make Provision for the Support of such Inhabitants at the Charge of such Towns or Districts, but at the Charge of the Province ; and if at any Time hereafter no special Provision shall be made and in force for that Purpose, then such of said Inhabitants as shall be unable to provide for their own Support, shall be relieved and supported in like Manner as sick and indigent Persons who are not Inhabitants of any Town or District, are by Law to be relieved and supported ; and the Charge thereof shall be paid out of the Province Treasury.

Nova-Scotia French.

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C H A P. XXX.

An Act in Addition to an Act made in the preſent Year of his Maſteſty's Reign, Intitled *An Act making Proviſion for the Inhabitants of Nova-Scotia, ſent hither from that Government, and lately arrived in this Province.*

WHEREAS ſince the paſſing an Act made this preſent Year of his Maſteſty's Reign Intitled An Act making Proviſion for the Inhabitants of Nova-Scotia, ſent hither from that Government, and lately arrived in this Province, a further Number of ſaid Inhabitants have been ſent to, and are arrived within this Government, and no ſpecial Proviſion has been made by Law for their Regulation and Support; and the aforeſaid Act has in other Reſpects been found inſufficient :

Be it therefore enacted by the Governour, Council and Houſe of Re-
preſentatives, That the Courts of General Sessions of the Peace, the Juſtices of the Peace in the ſeveral Counties, the Select-Men and the Overſeers of the Poor in the ſeveral Towns where ſaid Inhabitants may have been, or ſhall be diſpoſed of by Virtue of any Votes or Orders of the General Court, be and hereby are authorized and required to imploy, bind out to Service, or make Proviſion for the Support of the ſaid Inhabitants in like Manner, as the ſaid Courts of Sessions, Juſtices of the Peace, Select-Men or Overſeers, or any of them, would by Law be authorized and impowered to do, were they the ſaid Inhabitants of Nova-Scotia, Inhabitants of any Town or Towns within this Province.

And be it further enacted, That the Select-Men or Overſeers of the Poor in the ſeveral Towns, where ſaid Inhabitants have been or may be diſpoſed of as aforeſaid, be and hereby are authorized and required to provide neceſſary Implements of Huſbandry Work, Weaving, Spinning and other Handicraft Work, according to the Capacity for Labour and other Circumſtances of the ſeveral Inhabitants aforeſaid, not exceeding forty Skillings for any one Perſon; and alſo to provide an Houſe or Houſes for any Family or Families, the Heads whereof will undertake for the Support of themſelves and Family; and alſo to afford Relief and Support to all ſuch as are incapable of relieving and ſupporting themſelves: And ſuch Select-Men or Overſeers ſhall keep an exact Account of all Charges in Conſequence of the Act aforeſaid, or of this additional Act; ſuch Account to be made up until the firſt Day of June next, and ſo until the firſt Day of June annually during the Continuance of this Act, and ſhall tranſmit the ſame from Time to Time to the Secretary's Office, in order to be laid before the Governour and Council for Allowance and Payment, and in order to aſcertain the Sums advanced by this Government for the Services aforeſaid.

And be it further enacted, That in any Town where Overſeers of the Poor ſhall be choſen, it ſhall be Part of their Duty and Charge to take Care and provide for the Inhabitants of Nova-Scotia, ſent to ſuch Town; and in any Town where there ſhall be no Overſeers of the Poor, it ſhall be the Duty and Charge of the Select-Men.

This Act to be in Force until the twentieth Day of June, which will be in the Year of our Lord One Thouſand ſeven Hundred and fifty-ſeven, and no longer.

Committee of War.

C H A P. XXXI.

An Act to enable the Committee of War more effectually to provide Neceſſaries for the intended Expedition againſt *Crown-Point*.

Preamble.

WHEREAS this Court have agreed to join with the Governments of Connecticut, New York, New-Hampſhire, and Rhode-Iſland, in carrying on an Expedition againſt *Crown-Point* as ſoon as poſſible, and have choſen and appointed two Committees to tranſact the neceſſary Affairs for the carrying on ſaid Expedition, ſo far as relates to this Government: And as there will be Occaſion for the ſaid Committees to take up a conſiderable Quantity of Proviſions, War-like Stores, Cloathing, &c. for that Purpoſe:

Wherefore to prevent any Impoſitions on this Province by Perſons who are Owners or Poſſeſſors of ſuch Articles as are or ſhall be wanted for carrying ſaid Expedition into Execution:

Application to his Ma-
jeſty's Juſtices
of the Peace,
&c. in Caſe
Proviſions &c.
are withheld
from ſaid
Committee.

Be it enacted by the Governour, Council and Houſe of Repreſentatives, That when and ſo often as any Proviſions, War-like Stores, Horſes, Carriages or any other Kind of Thing neceſſary for carrying into Execution the deſigned Expedition againſt *Crown-Point*, ſhall be with-held from either of the ſaid Committees, or ſhall be denied them upon their offering a reaſonable Price or Rate for the ſame, each and every of his Majeſty's Juſtices of the Peace is hereby authorized and required upon Application made in Writing by either of the ſaid Committees, or by a major Part of either of them, to iſſue a Warrant within their reſpective Counties, to the Sheriff of the ſaid County or his Deputy to impreſs the ſame, lying and being within their proper Diſtrict, and if Need be to break open and enter in the Day Time any Shop, Ware-houſe, Store-houſe or Veſſel for that Purpoſe, and take the ſame from thence; and all Sheriffs and Deputy-Sheriffs are directed and required to execute all ſuch Warrants accordingly: And for all ſuch Commodities, Horſes, Carriages or any other Thing impreſſed or taken away by Virtue of this Act, the Committee to whoſe Order the ſame ſhall be delivered, ſhall pay or cauſe to be paid to the Owner thereof or to his Agent or Factor, the then uſual or current Rates or Prices; and in Caſe of any Diſpute or Diſagreement between ſuch Committee and the Owners of ſuch Articles concerning the Rates or Prices thereof, the ſame ſhall be fixed and determined by two meet Perſons to be mutually choſen by them: And in Caſe the Owner or his Agent or Factor ſhall neglect or reſuſe to join in the Choice of Appriſers, it ſhall and may be lawful for the Sheriff or his Deputy to chooſe one meet Perſon in their Behalf; and in either Caſe the two Perſons ſo choſen or appointed, ſhall have Power to chooſe a third if they ſhall find it needful; and the Rates or Prices agreed upon and certified under the Hands of the Perſons ſo choſen or appointed, or the major Part of them, ſhall be as binding upon the Committee, and upon the Owner or Owners of ſuch Articles ſo taken, as if they had been mutually agreed upon by them.

Current Price to be paid for Commodities impreſſed or taken from the Owners.

Price of Proviſions &c. to be fixed by Perſons mutually choſen where there is any Diſpute.

C H A P. XXXII.

An Act to prevent Farmers and Collectors of the Duties of Excife, being Members of the General Court or Aſſembly of this Province.

Preamble.

WHEREAS many Inconveniencies may ariſe to this Government by Perſons concerned in farming or collecting the Duties of Excife, being Members of the General Court or Aſſembly:

Excise.

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Be it enacted by the Governour, Council and House of Representatives, That no Person who shall either directly or indirectly be a Purchaser or Collector of the Duties of Excise laid by the Act passed this present Session of the General Court, or which shall be laid by any future Act, or who shall directly or indirectly be a Sharer with any such Purchaser or Collector in such Duties, shall be allowed to be a Member of the Council or House of Representatives of this Province during the Time of his being so concerned.

Purchasers or
Collectors of
Excise not to
be Members
of the Court.

C H A P. XXXIII.

An Act in Addition to and for rendering more effectual an Act made in the twenty-eighth Year of his present Majesty's Reign, Intituled *An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes, Lemmons and Oranges.*

WHEREAS in and by the said Act it is among other Things provided, that from and after the twenty-sixth Day of December One Thousand seven Hundred and fifty four, every Person licenced for retailing Rum or other Spirits or Wine, shall pay the Duties following, to the Person or Persons to whom the same shall be let or farmed, viz. For every Gallon of Rum or Spirits distilled, four Pence: For every Gallon of Wine of every Sort, six Pence: For every Hundred of Lemons or Oranges four Shillings: And for every Hundred of Limes, one Shilling and six Pence, and so proportionably for any other Quantity or Number: But the aforesaid Duties of Excise arising between the twenty-sixth Day of December One Thousand seven Hundred and fifty-five, and the twenty-sixth Day of March One Thousand seven Hundred and fifty-six, are not farmed, nor is there any Person or Persons appointed to let or farm the same: Preamble.

Be it therefore enacted by the Governour, Council and House of Representatives, That every Person licenced as aforesaid shall on the twenty-seventh Day of September next, pay the aforesaid Duties of Excise (to the Person or Persons to whom the same shall be farmed, or to their respective Deputies) on all distilled Spirits, Wine, Lemons and Oranges, by him or her sold, used, or consumed, between the twenty-sixth Day of December One Thousand seven Hundred and fifty-five, and the twenty-sixth Day of March One Thousand seven Hundred and fifty-six: And for the Ascertainig the Amount of the same Duties, every Person licenced as aforesaid, shall on the said twenty-seventh Day of September render an Account in Writing of all the distilled Spirits, Wine, Limes Lemons and Oranges by him or her sold, used and consumed within that Time, and shall also (if required) make Oath before such Farmer or Farmers or their respective Deputies (who are hereby empowered to require and administer the same) in Form following, viz. Licenced Persons to render an Account from December 26th 1755, to March 26th 1756.

YOU A. B. do Swear, that this Account by you rendered, is, according to the best of your Knowledge, a just and true Account of all the distilled Spirits, Wine, Limes, Lemmons and Oranges, directly or indirectly, sold, used or consumed by you, or any Person or Persons for or under you, by or with your Order, Consent, Allowance or Connivance, between the twenty-sixth Day of December One Thousand seven Hundred and fifty five, and the twenty-sixth Day of March One Thousand seven Hundred and fifty six. Form of the Oath.

So help you GOD.

And

Licenced Per-
sons to render
Account, &c.
on Penalty to
be tried by
the Sessions.

Former Com-
mittees Power
to contract
with the Far-
mers.

And be it further enacted, That every Person licenced as aforesaid, who shall neglect or refuse to render such Account and pay the Duties aforesaid to the Person or Persons to whom the same shall be let or farmed, or to their respective Deputies, shall forfeit and pay to such Farmer or Farmers double the Sum that the Duties aforesaid in the Judgment of the Court of General Sessions of the Peace held in the County where such licenced Person dwelt, would have amounted unto, which Court is hereby upon the Information of the said Farmer or Farmers, impowered to hear and determine the same, give Judgment therein, and award Execution thereon.

And be it further enacted, That the Committees respectively appointed in each County to contract and agree with any Person or Persons concerning the Duties of Excise arising by the Act already passed this Session, shall and hereby are impowered in like Manner and at such Time as shall be agreed upon by the said Committees to sell the aforesaid Duties of Excise arising between said twenty-sixth Day of *December* One Thousand seven Hundred and fifty-five, and the twenty-sixth Day of *March* One Thousand seven Hundred and fifty-six, to him or them that will purchase the same; the Person or Persons so purchasing the same Duties giving Bond with sufficient Sureties to the Province Treasurer to pay into the Treasury by the twenty-sixth Day of *October* next the Sum or Sums for which the Duties aforesaid are sold; *Provided always*, that the Allowance for Leakage and other Waste shall be the same as in and by the aforesaid Act first mentioned is provided, and no other.

[*The five foregoing Acts were Published March 31st 1756.*]



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